

104TH CONGRESS
2D SESSION

H. R. 2276

[Report No. 104-475, Part I]

To establish the Federal Aviation Administration as an independent establishment in the executive branch, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 1995

Mr. DUNCAN (for himself, Mr. SHUSTER, Mr. OBERSTAR, Mr. LIGHTFOOT, Mr. CLINGER, Mr. WELLER, Mr. COBLE, Mr. RAHALL, Mr. LIPINSKI, Mr. EWING, Mr. COSTELLO, Mr. WISE, Mr. HUTCHINSON, Mr. EHLERS, Mr. BACHUS, Mrs. SEASTRAND, Mr. TATE, Ms. DANNER, Mrs. KELLY, Mr. CLYBURN, and Mr. LATHAM) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Government Reform and Oversight, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MARCH 7, 1996

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MARCH 7, 1996

Referrals to the Committees on Government Reform and Oversight and the Budget extended for a period ending March 11, 1996

MARCH 11, 1996

Additional sponsors: Miss COLLINS of Michigan, Mr. LAHOOD, Mr. HASTERT, Mr. SKEEN, Mr. PETE GEREN of Texas, Mr. KLECZKA, Mr. HANCOCK, Mr. WAMP, Mr. HAYES, Mr. PETRI, Mr. ZELIFF, Mr. MARTINI, Mr. YOUNG of Alaska, Mr. POSHARD, Mr. QUINN, Mrs. FOWLER, Mr. KIM, Mr. EMERSON, Ms. BROWN of Florida, Mr. BOEHLERT, Mr. TUCKER, Mr. FRANKS of New Jersey, Mr. BREWSTER, Mr. BLUTE, Mr. QUILLEN, Mr. TRAFICANT, Mr. DIAZ-BALART, Mr. DOYLE, Mr. MASCARA, Ms. ROS-LEHTINEN, Mr. CANADY of Florida, Mr. STARK, Mr. SISISKY, Mr. PICKETT, Mr. LATOURETTE, Mr. MCCOLLUM, Mr. SCARBOROUGH, Mr.

ACKERMAN, Mr. CALVERT, Mr. STUPAK, Mr. CUNNINGHAM, Mr. FILNER,
and Mr. BURTON of Indiana

MARCH 11, 1996

Committees on Government Reform and Oversight and the Budget discharged;
committed to the Committee of the Whole House on the State of the
Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 7, 1995]

A BILL

To establish the Federal Aviation Administration as an independent establishment in the executive branch, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Federal Aviation Ad-*
5 *ministration Revitalization Act of 1995”.*

6 **SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

7 *Except as otherwise expressly provided, whenever in*
8 *this Act an amendment or repeal is expressed in terms of*
9 *an amendment to, or repeal of, a section or other provision,*
10 *the reference shall be considered to be made to a section or*
11 *other provision of title 49, United States Code.*

12 **SEC. 3. ESTABLISHMENT OF FEDERAL AVIATION ADMINIS-**
13 **TRATION.**

14 *Subtitle II is amended by adding at the end the follow-*
15 *ing:*

1 **“CHAPTER 13—FEDERAL AVIATION**
 2 **ADMINISTRATION**

 “SUBCHAPTER I—GENERAL PROVISIONS

“1301. *Definitions.*

 “SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

“1311. *Establishment.*

“1312. *Federal Aviation Board.*

“1313. *Officers.*

“1314. *Personnel management program.*

“1315. *Management Advisory Committee.*

“1316. *Authority to carry out certain transferred functions, duties, and powers.*

 “SUBCHAPTER III—AUTHORITY

“1331. *Functions.*

“1332. *Regulations.*

“1333. *Finality of decisions; appeals.*

“1334. *Procurement program.*

“1335. *Judicial review of actions in carrying out certain transferred duties and powers.*

3 **“SUBCHAPTER I—GENERAL PROVISIONS**

4 **“§ 1301. Definitions**

5 *“In this chapter, the following definitions apply:*

6 “(1) *ADMINISTRATION.*—*The term ‘Administra-*
 7 *tion’ means the Federal Aviation Administration es-*
 8 *tablished by section 1311.*

9 “(2) *AERONAUTICS, AIR COMMERCE, AND AIR*
 10 *NAVIGATION FACILITY.*—*The terms ‘aeronautics’, ‘air*
 11 *commerce’, and ‘air navigation facility’ have the*
 12 *same meanings given those terms in section 40102(a)*
 13 *of this title.*

14 “(3) *AIRPORT AND AIRWAY TRUST FUND.*—*The*
 15 *term ‘Airport and Airway Trust Fund’ means the*

1 *Airport and Airway Trust Fund established by sec-*
 2 *tion 9502 of the Internal Revenue Code of 1986.*

3 “(4) *BOARD.*—*The term ‘Board’ means the Fed-*
 4 *eral Aviation Board established by section 1312.*

5 “(5) *CHIEF EXECUTIVE OFFICER.*—*The term*
 6 *‘Chief Executive Officer’ means the Chief Executive*
 7 *Officer of the Federal Aviation Administration.*

8 “*SUBCHAPTER II—ORGANIZATION AND*
 9 *ADMINISTRATIVE*

10 “**§ 1311. Establishment**

11 “*There is established in the executive branch as an*
 12 *independent establishment the Federal Aviation Adminis-*
 13 *tration. The Administration shall succeed the Federal Avia-*
 14 *tion Administration of the Department of Transportation*
 15 *in existence on the day before the effective date of this sec-*
 16 *tion.*

17 “**§ 1312. Federal Aviation Board**

18 “(a) *IN GENERAL.*—*There is established a Federal*
 19 *Aviation Board which shall serve as the head of the Admin-*
 20 *istration.*

21 “(b) *FUNCTIONS.*—

22 “(1) *IN GENERAL.*—*The Board shall be respon-*
 23 *sible for the major policy functions of the Administra-*
 24 *tion, including the following:*

1 “(A) *The appointment and removal of the*
2 *Chief Executive Officer and the approval of other*
3 *senior officers of the Administration under sec-*
4 *tion 1313.*

5 “(B) *The approval and submission to Con-*
6 *gress of major contracts under section 1334(d).*

7 “(C) *The approval of major regulatory ac-*
8 *tions under section 1332(b).*

9 “(D) *The issuance of letters of intent under*
10 *section 47110(e).*

11 “(E) *The approval and submission to Con-*
12 *gress of the Administration’s plans for personnel*
13 *management and acquisition management pro-*
14 *grams under sections 1314 and 1334.*

15 “(F) *The approval of the agency’s annual*
16 *budget submission.*

17 “(G) *Long-range and strategic planning for*
18 *the Administration.*

19 “(H) *The representation of the Administra-*
20 *tion at public events to the extent practicable.*

21 “(I) *Such other significant actions as the*
22 *Board considers appropriate.*

23 “(2) *NONDELEGABLE FUNCTIONS.—The Board*
24 *may not delegate the functions described in subpara-*
25 *graphs (A) through (F) of paragraph (1).*

1 “(3) *NOT SUBJECT TO ENTITIES CREATED BY*
2 *EXECUTIVE ORDER.—The Administration shall not*
3 *submit decisions for the approval of, and shall not be*
4 *bound by the decisions or recommendations of, any*
5 *committee, board, or other organization established by*
6 *Executive order.*

7 “(c) *MEMBERSHIP.—*

8 “(1) *VOTING MEMBERS.—The Board shall be*
9 *composed of 3 voting members to be appointed by the*
10 *President, by and with the advice and consent of the*
11 *Senate. The initial members of the Board shall be ap-*
12 *pointed as soon as practicable after the date of the en-*
13 *actment of the Federal Aviation Administration Revi-*
14 *talization Act of 1995.*

15 “(2) *NON-VOTING MEMBERS.—The Secretary of*
16 *Transportation (or the Secretary’s designee) and the*
17 *Secretary of Defense (or the Secretary’s designee) shall*
18 *serve as non-voting members of the Board.*

19 “(d) *QUALIFICATIONS.—*

20 “(1) *IN GENERAL.—Members appointed to the*
21 *Board under subsection (c)(1) shall represent the pub-*
22 *lic interest and shall be selected from individuals who*
23 *are knowledgeable in aviation. Members of the Board*
24 *may not—*

1 “(A) have a pecuniary interest in, or own
2 stock in or bonds of, an aeronautical enterprise;

3 “(B) engage in another business, vocation,
4 or employment; and

5 “(C) be a member of any organization a
6 substantial part of whose activities are for the
7 purpose of influencing aviation-related legisla-
8 tion.

9 “(2) *DEFINITION.*—In this subsection, the term
10 ‘influencing legislation’ has the meaning such term
11 has under section 4911(d) of the Internal Revenue
12 Code of 1986 (26 U.S.C. 4911(d)).

13 “(e) *TERMS.*—

14 “(1) *IN GENERAL.*—Subject to paragraphs (2)
15 and (3), each member of the Board appointed under
16 subsection (c)(1) shall be appointed for a term of 7
17 years.

18 “(2) *TERMS OF INITIAL APPOINTEES.*—As des-
19 ignated by the President at the time of appointment,
20 of the members first appointed under subsection
21 (c)(1)—

22 “(A) 1 shall be appointed for a term of 3
23 years;

24 “(B) 1 shall be appointed for a term of 5
25 years; and

1 “(C) 1 shall be appointed for a term of 7
2 years.

3 “(3) VACANCIES.—Any member appointed under
4 subsection (c)(1) to fill a vacancy occurring before the
5 expiration of the term for which the member’s prede-
6 cessor was appointed shall be appointed only for the
7 remainder of that term. A member may serve after the
8 expiration of that member’s term until a successor has
9 taken office.

10 “(f) REMOVAL.—Members of the Board appointed
11 under subsection (c)(1) may be removed by the President
12 for inefficiency, neglect of duty, or malfeasance in office.

13 “(g) CHAIRPERSON.—The Chairperson of the Board
14 shall be appointed by the President, by and with the advice
15 and consent of the Senate. At the time of such appointment,
16 the President shall establish the term of the Chairperson.
17 Such term may not exceed the term of the Chairperson’s
18 appointment to the Board.

19 “(h) QUORUM.—Two members of the Board appointed
20 under subsection (c)(1) shall constitute a quorum for carry-
21 ing out the duties and powers of the Board.

22 “(i) BASIC PAY.—

23 “(1) CHAIRPERSON.—The Chairperson of the
24 Board shall be paid at a rate equal to the rate of

1 *basic pay payable for level II of the Executive Sched-*
 2 *ule.*

3 “(2) *OTHER MEMBERS.*—*The other voting mem-*
 4 *bers of the Board shall be paid at a rate equal to the*
 5 *rate of basic pay payable for level III of the Executive*
 6 *Schedule.*

7 **“§1313. Officers**

8 “(a) *CHIEF EXECUTIVE OFFICERS.*—

9 “(1) *APPOINTMENT.*—*The Board shall appoint a*
 10 *Chief Executive Officer.*

11 “(2) *DUTIES.*—*The Board shall delegate to the*
 12 *Chief Executive Officer the responsibility for manag-*
 13 *ing the day-to-day operation of the Administration,*
 14 *including (except as provided in section 1312(b)) the*
 15 *hiring and firing of employees, acquisition of facili-*
 16 *ties and equipment, issuance of rules, airworthiness*
 17 *directives, and advisory circulars, preparation of the*
 18 *annual budget submission, the awarding of grants,*
 19 *and such other functions as the Board considers ap-*
 20 *propriate.*

21 “(3) *REMOVAL.*—*The Chief Executive Officer*
 22 *shall serve at the pleasure of the Board; except that*
 23 *the Board shall make every effort to ensure stability*
 24 *and continuity in the leadership of the Administra-*
 25 *tion.*

1 “(4) *BASIC PAY.*—Subject to section 1314(f), the
 2 *Chief Executive Officer shall be paid at a rate to be*
 3 *determined by the Board.*

4 “(b) *OTHER OFFICERS.*—Subject to the approval of the
 5 *Board, the Chief Executive Officer shall appoint other sen-*
 6 *ior officers who shall each have such duties as the Chief*
 7 *Executive Officer may prescribe.*

8 “(c) *CHIEF COUNSEL.*—Subject to the approval of the
 9 *Board, the Chief Executive Officer shall appoint a Chief*
 10 *Counsel who shall be the chief legal officer for all legal mat-*
 11 *ters arising from the activities of the Administration.*

12 “(d) *INSPECTOR GENERAL.*—There shall be in the Ad-
 13 *ministration an Inspector General who shall be appointed*
 14 *in accordance with the Inspector General Act of 1978 (5*
 15 *U.S.C. App.).*

16 “(e) *AIRCRAFT NOISE OMBUDSMAN.*—

17 “(1) *ESTABLISHMENT.*—There shall be in the
 18 *Administration an Aircraft Noise Ombudsman who*
 19 *shall be appointed by the Board.*

20 “(2) *DUTIES AND RESPONSIBILITIES.*—The Om-
 21 *budsman shall—*

22 “(A) *serve as a liaison with the public on*
 23 *issues regarding aircraft noise; and*

24 “(B) *be consulted when the Administration*
 25 *proposes changes in aircraft routes so as to min-*

1 *imize any increases in aircraft noise over popu-*
 2 *lated areas.*

3 **“§ 1314. Personnel management program**

4 “(a) *EXEMPTION FROM CERTAIN PROVISIONS OF*
 5 *TITLE 5, UNITED STATES CODE.—*

6 “(1) *IN GENERAL.—Except as otherwise provided*
 7 *in this Act, the Administration shall be exempt from*
 8 *parts II and III of title 5.*

9 “(2) *EFFECTIVE DATE.—The exemption provided*
 10 *by paragraph (1) shall not take effect until the expi-*
 11 *ration of the 180-period described in subsection*
 12 *(d)(2).*

13 “(b) *DEVELOPMENT OF PERSONNEL MANAGEMENT*
 14 *SYSTEM.—*

15 “(1) *IN GENERAL.—Not later than 180 days*
 16 *after the date of the enactment of the Federal Aviation*
 17 *Administration Revitalization Act of 1995, the Board*
 18 *shall develop a personnel management system for the*
 19 *Administration.*

20 “(2) *CONSULTATION AND NEGOTIATION.—In de-*
 21 *veloping the personnel management system, the Board*
 22 *shall negotiate with the exclusive bargaining rep-*
 23 *resentatives of employees of the Administration cer-*
 24 *tified under section 7111 of title 5 and other employ-*
 25 *ees of the Administration and shall consult with non-*

1 *governmental experts in personnel management sys-*
2 *tems. The negotiation with the exclusive bargaining*
3 *representatives shall be completed on or before the*
4 *90th day after the date of enactment referred to in*
5 *paragraph (1).*

6 “(3) *MEDIATION.*—*If the Board does not reach*
7 *an agreement under paragraph (2) with the exclusive*
8 *bargaining representatives on any provision of the*
9 *personnel management system, the services of the Fed-*
10 *eral Mediation and Conciliation Service shall be used*
11 *to attempt to reach such agreement. If the services of*
12 *the Federal Mediation and Conciliation Service do*
13 *not lead to an agreement, the Board shall include in*
14 *the plan to be submitted to Congress under subsection*
15 *(d) the objections of the exclusive bargaining rep-*
16 *resentatives and the reasons for the objections.*

17 “(4) *CONTINUATION OF AGREEMENTS.*—*Collec-*
18 *tive bargaining agreements and labor management re-*
19 *lations under chapter 71 of title 5 shall remain in ef-*
20 *fect for the Administration until amended or modified*
21 *under the personnel management system.*

22 “(5) *GOALS.*—*The goal of the personnel manage-*
23 *ment system to be developed by the Board under*
24 *paragraph (1) shall be to provide, consistent with the*

1 *requirements of this section, the Administration with*
2 *the ability—*

3 *“(A) to hire and fire employees as in the*
4 *private sector;*

5 *“(B) to promote and pay employees based*
6 *on merit;*

7 *“(C) to provide market-based salaries (de-*
8 *signed to attract the best qualified employees)*
9 *within available resources;*

10 *“(D) to provide pay increases and other in-*
11 *centives to staff facilities that are difficult to*
12 *staff;*

13 *“(E) to move personnel to those facilities*
14 *where they are most needed; and*

15 *“(F) to provide an opportunity for collective*
16 *bargaining and other consultation with employ-*
17 *ees concerning terms and conditions of employ-*
18 *ment.*

19 *“(6) SAFEGUARDS.—The personnel management*
20 *system shall include safeguards to ensure that travel*
21 *expenses of employees of the Administration (includ-*
22 *ing meal and lodging expenses) are not excessive.*

23 *“(c) EXPERTS EVALUATION.—The arrangements en-*
24 *tered into by the Board with the experts consulted by the*
25 *Board under subsection (b) shall provide for those experts*

1 *to evaluate the personnel management system developed by*
2 *the Board and submit to Congress the results of such evalua-*
3 *tion before the last day of the 180-day period referred to*
4 *in subsection (b)(1).*

5 “(d) *NOTICE TO CONGRESS.*—

6 “(1) *IN GENERAL.*—Upon development of the
7 *personnel management system under subsection (b),*
8 *the Board shall submit to Congress a comprehensive*
9 *plan describing the personnel management system,*
10 *along with all existing or proposed rules or regula-*
11 *tions relevant to the system.*

12 “(2) *IMPLEMENTATION.*—The Board may begin
13 *to implement the personnel management system only*
14 *after the expiration of the 180-day period that begins*
15 *on the date of submission of the plan to Congress*
16 *under paragraph (1).*

17 “(e) *EMPLOYEE RIGHTS AND BENEFITS.*—Nothing in
18 *this section shall be construed as exempting the Administra-*
19 *tion and employees of the Administration from any of the*
20 *following provisions of title 5:*

21 “(1) *Section 2302(b)(8) (relating to whistle-*
22 *blower protection) and related enforcement provisions.*

23 “(2) *Sections 7311(3) and 7311(4) (relating to*
24 *limitations on the right to strike).*

1 “(3) *Sections 2302(b)(1) and 7204 (relating to*
 2 *antidiscrimination) and related enforcement provi-*
 3 *sions and provisions of law referred to in section*
 4 *2302(b)(1).*

5 “(4) *Chapter 71 (relating to labor-management*
 6 *relations).*

7 “(5) *Chapter 73 (relating to suitability, security,*
 8 *and conduct).*

9 “(6) *Chapter 81 (relating to compensation for*
 10 *work injuries).*

11 “(7) *Chapter 83 (relating to retirement).*

12 “(8) *Chapter 84 (relating to the Federal Em-*
 13 *ployees’ Retirement System).*

14 “(9) *Chapter 85 (relating to unemployment com-*
 15 *pensation).*

16 “(10) *Chapter 87 (relating to life insurance).*

17 “(11) *Chapter 89 (relating to health insurance).*

18 “(f) *PAY RESTRICTIONS.—*

19 “(1) *MAXIMUM RATE OF PAY.—No officer (in-*
 20 *cluding the Chief Executive Officer) or employee of*
 21 *the Administration may receive annual pay in excess*
 22 *of the annual rate of basic pay payable for level II*
 23 *of the Executive Schedule unless the Board provides*
 24 *written notification to Congress of such higher rate of*
 25 *pay and 30 days (excluding Saturdays, Sundays, and*

1 *holidays, and any day on which neither House of*
 2 *Congress is in session because of an adjournment sine*
 3 *die, a recess of more than 3 days, or an adjournment*
 4 *of more than 3 days) have elapsed since the date of*
 5 *such notification.*

6 “(2) *PERCENTAGE OF EMPLOYEES ABOVE LEVEL*
 7 *ES–1 OF SENIOR EXECUTIVE SERVICE.—Not more*
 8 *than 0.35 percent of the officers (including members*
 9 *of the Board and the Chief Executive Officer) and em-*
 10 *ployees of the Administration may be paid at a rate*
 11 *which equals or exceeds the rate payable for level ES–*
 12 *1 of the Senior Executive Service.*

13 “(3) *RAISES AND BONUSES.—No officer (includ-*
 14 *ing the Chief Executive Officer) or employee of the*
 15 *Administration who is paid at a rate which exceeds*
 16 *the rate payable for level ES–1 of the Senior Execu-*
 17 *tive Service may receive in a calendar year raises or*
 18 *bonuses (excluding cost-of-living increases and in-*
 19 *creases that are the results of a promotion) that total*
 20 *more than 15 percent of the annual rate of pay of the*
 21 *officer or employee on the day before the first day of*
 22 *such calendar year.*

23 “(g) *CONTRACTS BETWEEN FAA AND FORMER FAA*
 24 *EMPLOYEES.—Before the Administration may enter into a*
 25 *contract with an individual who has been employed by the*

1 *Administration at any time during the 2-year period pre-*
 2 *ceding the expected date of entry into the contract or with*
 3 *a corporation, partnership, or other entity in which such*
 4 *a former employee is a partner, principal officer, or major-*
 5 *ity stockholder or which is otherwise controlled or predomi-*
 6 *nantly staffed by 1 or more of such former employees, the*
 7 *Board must first approve of the entry into the contract as*
 8 *being essential to the mission of the Administration.*

9 ***“§ 1315. Management Advisory Committee***

10 *“(a) ESTABLISHMENT.—There is established an advi-*
 11 *sory committee which shall be known as the Federal Avia-*
 12 *tion Management Advisory Committee (hereinafter in this*
 13 *section referred to as the ‘Management Advisory Commit-*
 14 *tee’).*

15 *“(b) MEMBERSHIP.—The Management Advisory Com-*
 16 *mittee shall consist of 17 members, who shall be appointed*
 17 *as follows:*

18 *“(1) 1 member appointed by the Speaker of the*
 19 *House of Representatives;*

20 *“(2) 1 member appointed by the minority leader*
 21 *of the House of Representatives;*

22 *“(3) 1 member appointed by the majority leader*
 23 *of the Senate;*

24 *“(4) 1 member appointed by the minority leader*
 25 *of the Senate;*

1 “(5) 13 members appointed by the Board 12 of
2 whom shall represent 1 of the following interests:

3 “(A) Airline passengers.

4 “(B) General aviation and sport aviation.

5 “(C) Business aviation.

6 “(D) Hub airports.

7 “(E) Non-hub and general aviation air-
8 ports.

9 “(F) Major airlines and national airlines.

10 “(G) Regional airlines and air taxis.

11 “(H) Cargo airlines and charter airlines.

12 “(I) Aircraft manufacturers.

13 “(J) Airline employees.

14 “(K) Federal Aviation Administration em-
15 ployees.

16 “(L) State aviation officials.

17 “(c) *FUNCTIONS.*—The Management Advisory Com-
18 mittee shall provide advice and counsel to the Administra-
19 tion on issues which affect or are affected by the operations
20 of the Administration. The Management Advisory Commit-
21 tee shall hold quarterly meetings. The Administration shall
22 give the Management Advisory Committee access to internal
23 documents (other than proprietary information and docu-
24 ments relating to on-going litigation) and personnel of the
25 Administration. The Management Advisory Committee

1 *shall function as an oversight resource for management, pol-*
 2 *icy, spending, and regulatory matters under the jurisdic-*
 3 *tion of the Administration.*

4 “(d) *CHAIRMAN.—The Management Advisory Commit-*
 5 *tee shall elect a chairman of the Management Advisory*
 6 *Committee from among its members.*

7 “(e) *TERMS OF MEMBERS.—*

8 “(1) *MEMBERS APPOINTED BY CONGRESS.—*
 9 *Members appointed under subsections (b)(1) through*
 10 *(b)(4) shall be appointed for a term of 2 years.*

11 “(2) *MEMBERS APPOINTED BY THE BOARD.—*
 12 *Members appointed under subsection (b)(5) shall be*
 13 *appointed for a term of 3 years.*

14 “(f) *TRAVEL AND PER DIEM.—Each member of the*
 15 *Management Advisory Committee shall be paid actual trav-*
 16 *el expenses, and per diem in lieu of subsistence expenses*
 17 *when away from his or her usual place of residence, in ac-*
 18 *cordance with section 5703 of title 5.*

19 “(g) *UTILIZATION OF PERSONNEL FROM FAA.—The*
 20 *Administration shall make available to the Management*
 21 *Advisory Committee such staff, information, and adminis-*
 22 *trative services and assistance as may reasonably be re-*
 23 *quired to enable the Management Advisory Committee to*
 24 *carry out its responsibilities under this section.*

1 “(h) *APPLICABILITY OF FEDERAL ADVISORY COMMIT-*
 2 *TEE ACT.*—*The Management Advisory Committee shall be*
 3 *subject to the Federal Advisory Committee Act (5 U.S.C.*
 4 *App.); except that section 14(a)(2)(B) of such Act (relating*
 5 *to the termination of advisory committees) shall not apply*
 6 *to the Committee.*

7 **“§1316. Authority to carry out certain transferred**
 8 ***functions, duties, and powers***

9 “*Except as otherwise provided in this chapter, in car-*
 10 *rying out a function, duty, or power transferred under the*
 11 *Federal Aviation Administration Revitalization Act of*
 12 *1995 (including the amendments made by such Act), the*
 13 *Administration has the same authority that was vested in*
 14 *the department, agency, or instrumentality of the United*
 15 *States Government carrying out the function, duty, or*
 16 *power immediately before the transfer. An action of the Ad-*
 17 *ministration in carrying out the function, duty, or power*
 18 *has the same effect as when carried out by the department,*
 19 *agency, or instrumentality.*

20 **“SUBCHAPTER III—AUTHORITY**

21 **“§1331. Functions**

22 “(a) *IN GENERAL.*—*The functions of the Federal Avia-*
 23 *tion Administration shall be all functions vested in the*
 24 *Board, the Chief Executive Officer, or the Federal Aviation*
 25 *Administration by this title or by law enacted after the date*

1 *of the enactment of this chapter. Such functions include*
 2 *functions of the Administration, the Board, and the Chief*
 3 *Executive Officer under the following provisions of this title:*

4 “(1) *Section 308(b).*

5 “(2) *Section 353.*

6 “(3) *Section 1114(d).*

7 “(4) *Section 1131(c).*

8 “(5) *Subsections (c) and (d) of section 1132.*

9 “(6) *Section 1135.*

10 “(7) *Section 1153(c).*

11 “(8) *Subsections (a), (c), and (d) of section*
 12 *40101.*

13 “(9) *Section 40102(a)(8).*

14 “(10) *Section 40103(b).*

15 “(11) *Section 40104.*

16 “(12) *Section 40105.*

17 “(13) *Section 40106(a).*

18 “(14) *Section 40107.*

19 “(15) *Section 40108.*

20 “(16) *Section 40109(b).*

21 “(17) *Subsections (a) and (b) of section 40110.*

22 “(18) *Section 40111.*

23 “(19) *Section 40112.*

24 “(20) *Section 40113.*

25 “(21) *Section 40114.*

- 1 “(22) *Section 40115.*
- 2 “(23) *Section 40117.*
- 3 “(24) *Section 40119.*
- 4 “(25) *Section 41714.*
- 5 “(26) *Chapter 441.*
- 6 “(27) *Chapter 443.*
- 7 “(28) *Chapter 445.*
- 8 “(29) *Chapter 447.*
- 9 “(30) *Chapter 449.*
- 10 “(31) *Chapter 451.*
- 11 “(32) *Chapter 453.*
- 12 “(33) *Chapter 461.*
- 13 “(34) *Section 46301.*
- 14 “(35) *Section 46302.*
- 15 “(36) *Section 46303.*
- 16 “(37) *Section 46304.*
- 17 “(38) *Section 46306.*
- 18 “(39) *Section 46308.*
- 19 “(40) *Section 46311.*
- 20 “(41) *Section 46313.*
- 21 “(42) *Section 46315.*
- 22 “(43) *Section 46316.*
- 23 “(44) *Chapter 465.*
- 24 “(45) *Chapter 471.*
- 25 “(46) *Chapter 473.*

1 “(47) Chapter 475.

2 “(48) Chapter 481.

3 “(49) Chapter 491.

4 “(b) *INCIDENTAL FUNCTIONS.*—*In addition, the func-*
 5 *tions of the Administration shall include all functions of*
 6 *the Department of Transportation on the effective date of*
 7 *this section which the Administration determines are inci-*
 8 *dental to, helpful to, or necessary for the performance of*
 9 *the functions referred to in subsection (a) or which relate*
 10 *primarily to those functions.*

11 **“§ 1332. Regulations**

12 “(a) *GENERAL AUTHORITY.*—*The Administration*
 13 *may issue, rescind, and amend such regulations as are nec-*
 14 *essary to carry out its functions.*

15 “(b) *APPROVAL OF BOARD.*—

16 “(1) *GENERAL RULE.*—*The Administration may*
 17 *only issue a proposed regulation, final regulation,*
 18 *airworthiness directive, or advisory circular that may*
 19 *result in the expenditure by State, local, and tribal*
 20 *governments in the aggregate, or by the private sector,*
 21 *of \$10,000,000 or more (adjusted annually for infla-*
 22 *tion) in any 1 year if the Board first approves of the*
 23 *issuance of such regulation, directive, or circular.*

24 “(2) *EMERGENCY ACTION.*—*In an emergency, the*
 25 *Chief Executive Officer may issue a regulation, direc-*

1 *tive, or circular described in paragraph (1) without*
2 *prior Board approval but subject to Board ratifica-*
3 *tion following issuance.*

4 *“(c) REVIEW BY DOT.—*

5 *“(1) SUBMISSION.—Before the Administration*
6 *issues any proposed or final regulation—*

7 *“(A) the Administration shall submit a*
8 *copy of the regulation to the Secretary of Trans-*
9 *portation;*

10 *“(B) the Administration shall provide the*
11 *Secretary with a period of 5 days (excluding*
12 *Saturdays, Sundays, and holidays) beginning on*
13 *the date of such submission to determine whether*
14 *or not the regulation is likely to have a signifi-*
15 *cant effect on other modes of transportation in*
16 *the national transportation system or the Sec-*
17 *retary’s aviation responsibilities, including na-*
18 *tional defense responsibilities; and*

19 *“(C) if the Secretary determines, before the*
20 *last day of such 5-day period, that the regulation*
21 *is likely to have such a significant effect, the Ad-*
22 *ministration shall provide the Secretary with an*
23 *additional period of 45 days to assess the effect*
24 *of the regulation on other modes of transpor-*
25 *tation in the national transportation system and*

1 *the Secretary’s aviation responsibilities, includ-*
2 *ing national defense responsibilities.*

3 “(2) *RECOMMENDATIONS.—The Secretary may*
4 *recommend to the Administration modifications of a*
5 *proposed or final regulation necessary to minimize*
6 *the adverse effect of such regulation on other modes of*
7 *transportation in the national transportation system*
8 *or the Secretary’s aviation responsibilities, including*
9 *national defense responsibilities. The Administration*
10 *may make any modifications recommended by the*
11 *Secretary. If the Administration does not make a*
12 *modification recommended by the Secretary, the Ad-*
13 *ministration shall include in the publication of the*
14 *proposed or final regulation a description of the rec-*
15 *ommended modification and the reasons for not mak-*
16 *ing the modification.*

17 “(3) *EXCEPTIONS.—This subsection shall not*
18 *apply to the following types of regulations:*

19 “(A) *Regulations pertaining to agency orga-*
20 *nization, procedure, or practice.*

21 “(B) *Regulations pertaining solely to navi-*
22 *gational aids.*

23 “(C) *Regulations pertaining solely to air-*
24 *space designations and configurations.*

1 “(D) Regulations pertaining solely to stand-
2 ard instrument approach procedures.

3 “(E) Regulations pertaining solely to air-
4 craft design.

5 “(F) Regulations pertaining to the person-
6 nel management system developed under section
7 1314.

8 “(G) Regulations pertaining to the acquisi-
9 tion management system developed under section
10 1334.

11 “(4) EMERGENCY ACTION.—In an emergency, a
12 regulation may take effect for the duration of the
13 emergency and before the Secretary completes review
14 of the regulation under this subsection, as determined
15 necessary by the Chief Executive Officer or the Board.

16 “(d) AUTOMATIC TERMINATION DATE.—Any regula-
17 tion issued by the Administration after the effective date
18 of this section which is likely to result in the annual expend-
19 iture by State, local, and tribal governments in the aggre-
20 gate, or by the private sector, of \$25,000,000 or more (ad-
21 justed annually for inflation) in any 1 year must contain
22 an automatic termination date. The termination date shall
23 also apply to any advisory circular issued by the Adminis-
24 tration and pertaining solely to such regulation.

1 “(e) *EMERGENCY DEFINED.*—*In this section, the term*
 2 *‘emergency’ means a situation where there is good cause for*
 3 *finding that consideration by the Board or by the Depart-*
 4 *ment of Transportation is impracticable or contrary to the*
 5 *public interest.*

6 **“§ 1333. Finality of decisions; appeals**

7 “*Decisions of the Administration made pursuant to the*
 8 *exercise of the functions enumerated in subtitle VII of this*
 9 *title shall be administratively final, and appeals as cur-*
 10 *rently authorized by law shall be taken directly to the Na-*
 11 *tional Transportation Safety Board or to any court of com-*
 12 *petent jurisdiction, as appropriate.*

13 **“§ 1334. Procurement program**

14 “(a) *EXEMPTION FROM PROCUREMENT LAWS.*—

15 “(1) *IN GENERAL.*—*The following laws and regu-*
 16 *lations shall not apply to the Federal Aviation Ad-*
 17 *ministration:*

18 “(A) *Title III of the Federal Property and*
 19 *Administrative Services Act of 1949 (41 U.S.C.*
 20 *251–266).*

21 “(B) *The Office of Federal Procurement*
 22 *Policy Act (41 U.S.C. 401 et seq.).*

23 “(C) *The Federal Acquisition Streamlining*
 24 *Act of 1994 (Public Law 103–355).*

1 “(D) *The Small Business Act* (15 U.S.C.
 2 631 *et seq.*); except that the Administration shall
 3 provide reasonable opportunities to small busi-
 4 ness concerns and small business concerns owned
 5 and controlled by socially and economically dis-
 6 advantaged individuals to be awarded contracts.

7 “(E) Subchapter V of chapter 35 of title 31
 8 (relating to the procurement protest system).

9 “(F) *The Brooks Automatic Data Process-*
 10 *ing Act* (40 U.S.C. 759).

11 “(G) Section 3709 of the Revised Statutes of
 12 the United States (41 U.S.C. 5).

13 “(H) *The Federal Acquisition Regulation*
 14 and any laws not listed in subparagraphs (A)
 15 through (G) providing authority to promulgate
 16 regulations in the *Federal Acquisition Regula-*
 17 *tion*.

18 “(2) *EFFECTIVE DATE.*—The exemption provided
 19 by paragraph (1) shall not take effect until the expi-
 20 ration of the 180-day period referred to in subsection
 21 (c)(2).

22 “(b) *DEVELOPMENT OF ACQUISITION MANAGEMENT*
 23 *SYSTEM.*—

24 “(1) *IN GENERAL.*—Not later than 180 days
 25 after the date of the enactment of the *Federal Aviation*

1 *Administration Revitalization Act of 1995, the Fed-*
2 *eral Aviation Board, in consultation with such non-*
3 *governmental experts in acquisition management sys-*
4 *tems as the Board may employ, shall develop an ac-*
5 *quisition management system for the Administration.*

6 “(2) *CONSULTATION.*—*In developing the acquisi-*
7 *tion management system, the Board shall consult*
8 *nongovernmental experts in acquisition management*
9 *systems.*

10 “(3) *GOALS.*—*The acquisition management sys-*
11 *tem to be developed by the Board under paragraph*
12 *(1) shall be designed—*

13 “(A) *to ensure that services are procured*
14 *and new equipment is installed and certified as*
15 *quickly as possible without sacrificing principles*
16 *of fairness and protection against waste, fraud,*
17 *and abuse; and*

18 “(B) *to ensure a common interoperable air*
19 *traffic control system with the military.*

20 “(4) *EXPERTS EVALUATION.*—*The arrangements*
21 *entered into by the Board with the experts consulted*
22 *by the Board under paragraph (2) shall provide for*
23 *those experts to evaluate the acquisition management*
24 *system developed by the Board and submit to Con-*

1 *gress the results of such evaluation before the last day*
2 *of the 180-day period referred to in paragraph (1).*

3 *“(c) NOTICE TO CONGRESS.—*

4 *“(1) IN GENERAL.—Upon the development of the*
5 *acquisition management system, the Board shall sub-*
6 *mit a comprehensive plan describing the acquisition*
7 *management system to Congress, along with all exist-*
8 *ing or proposed rules or regulations relevant to the*
9 *system.*

10 *“(2) IMPLEMENTATION.—The Administration*
11 *may begin to implement the acquisition management*
12 *system only after the expiration of the 180-day period*
13 *that begins on the date on which the plan is submit-*
14 *ted to Congress under paragraph (1). The acquisition*
15 *management system shall apply to contracts entered*
16 *into after the expiration of such 180-day period.*

17 *“(d) CONTRACTS.—*

18 *“(1) APPROVAL OF CERTAIN CONTRACTS.—The*
19 *Administration may only enter into a contract that*
20 *has a total contract value, including all options, of an*
21 *amount greater than \$100,000,000 if the Board first*
22 *approves of the entry into the contract.*

23 *“(2) NOTICE TO CONGRESS OF CERTAIN CON-*
24 *TRACTS.—In addition to complying with paragraph*
25 *(1), the Administration may only enter into a con-*

1 tract that has a total contract value, including all op-
 2 tions, of an amount greater than \$250,000,000 if the
 3 Board provides written notice to Congress of the pro-
 4 posed entry into the contract, together with a descrip-
 5 tion of the contract and at least 30 calendar days
 6 elapse after the date of such notification.

7 **“§ 1335. Judicial review of actions in carrying out cer-**
 8 **tain transferred duties and powers**

9 “(a) *JUDICIAL REVIEW.*—An action of the Adminis-
 10 tration in carrying out a duty or power transferred under
 11 the Department of Transportation Act (Public Law 89–
 12 670) and under the Federal Aviation Administration Revi-
 13 talization Act of 1995 and an action of the Administrator
 14 of the Federal Aviation Administration in carrying out a
 15 duty or power specifically assigned to the Administrator
 16 by the Department of Transportation Act and transferred
 17 to the Administration by the Federal Aviation Administra-
 18 tion Revitalization Act of 1995 may be reviewed judicially
 19 to the same extent and in the same way as if the action
 20 had been an action by the department, agency, or instru-
 21 mentality of the United States Government carrying out
 22 the duty or power immediately before the transfer.

23 “(b) *APPLICATION OF PROCEDURAL REQUIRE-*
 24 *MENTS.*—A statutory requirement related to notice, an op-
 25 portunity for a hearing, action on the record, or adminis-

1 *trative review that applied to a duty or power transferred*
 2 *by the Acts referred to in subsection (a) applies to the Ad-*
 3 *ministration when carrying out the duty or power.”.*

4 ***SEC. 4. BUDGET OF ADMINISTRATION.***

5 *(a) IN GENERAL.—Section 48109 of title 49, United*
 6 *States Code, is amended to read as follows:*

7 ***“§48109. Budget information and legislative rec-***
 8 ***ommendations and comments***

9 *“(a) PREPARATION.—Subject to approval of the Fed-*
 10 *eral Aviation Board, the Chief Executive Officer shall pre-*
 11 *pare an annual budget for the Administration.*

12 *“(b) SUBMISSION OF BUDGET TO DOT.—*

13 *“(1) IN GENERAL.—At the same time that agen-*
 14 *cies of the Department of Transportation having ju-*
 15 *risdiction over other modes of transportation are re-*
 16 *quired to submit their budgets to the Secretary of*
 17 *Transportation, the Administration shall submit to*
 18 *the Secretary the budget prepared by the Administra-*
 19 *tion and approved by the Board. The Secretary shall*
 20 *review the budget and may recommend to the Admin-*
 21 *istration modifications in the budget necessary to en-*
 22 *sure that the budget is consistent with the needs of the*
 23 *national transportation system and the Secretary’s*
 24 *aviation responsibilities. The Administration may*

1 *modify the budget to adopt any recommendation*
2 *made by the Secretary.*

3 “(2) *OPPORTUNITY FOR COMMENT.*—*At least 30*
4 *days before submitting a budget to the Secretary*
5 *under paragraph (1), the Administration shall submit*
6 *a draft of the budget to the Management Advisory*
7 *Committee established by section 1315 for comment.*

8 “(c) *SUBMISSION OF BUDGET TO CONGRESS.*—

9 “(1) *IN GENERAL.*—*When the Board submits to*
10 *the President or the Director of the Office of Manage-*
11 *ment and Budget any budget information, legislative*
12 *recommendation, or comment on legislation about*
13 *amounts authorized in section 48101 or section*
14 *48102, the Board concurrently shall submit a copy of*
15 *the information, recommendation, or comment to the*
16 *Speaker of the House of Representatives, the Commit-*
17 *tees on Transportation and Infrastructure and Ap-*
18 *propriations of the House of Representatives, the*
19 *President of the Senate, and the Committees on Com-*
20 *merce, Science, and Transportation and Appropria-*
21 *tions of the Senate.*

22 “(2) *SPECIAL RULE WITH RESPECT TO ANNUAL*
23 *BUDGETS.*—*The annual budget of the Administration*
24 *submitted to Congress shall include—*

1 “(A) budget requests and Airport and Air-
2 way Trust Fund estimates for the ensuing 4 fis-
3 cal years;

4 “(B) a numerical ranking, by degree of im-
5 portance to the national airspace system, of the
6 Administration’s requests for funding of air traf-
7 fic control modernization projects under section
8 48101;

9 “(C) the total number of man-years of di-
10 rect effort the Administration estimates it will
11 use under support service contracts (including
12 professional, technical, engineering, site prepara-
13 tion, and installation and other services com-
14 parable to those performed by Government em-
15 ployees, but not including maintenance as part
16 of a supply contract, janitorial, research and de-
17 velopment, or construction services or services in-
18 cidental to supply contracts) during the fiscal
19 year for which the budget is being submitted;

20 “(D) any modifications made by the Ad-
21 ministration under subsection (b) with respect to
22 the budget; and

23 “(E) if the Administration does not adopt
24 a recommendation made by the Secretary under
25 subsection (b), a description of the recommenda-

1 tion and the reasons for not adopting the rec-
2 ommendation.

3 Subparagraph (C) shall take effect with the budget
4 submission for fiscal year 1997. The estimate under
5 subparagraph (C) for such budget submission shall
6 include for comparison the estimated total number of
7 man-years of direct effort the Administration used
8 under such support service contracts in each of fiscal
9 years 1992 and 1995.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 481 is amended by striking the item relating to sec-
12 tion 48109 and inserting the following:

 “48109. Budget information and legislative recommendations and comments.”.

13 **SEC. 5. COST-BENEFIT ANALYSIS FOR MINIMUM SAFETY**
14 **STANDARDS.**

15 Section 44701 is amended by adding at the end the
16 following:

17 “(f) COST-BENEFIT ANALYSIS.—

18 “(1) IN GENERAL.—For any regulation or stand-
19 ard to be issued under subsection (a) or (b) that is
20 likely to result in annualized compliance costs in ex-
21 cess of \$25,000,000, the Administration shall, in ad-
22 dition to other requirements in law, identify and pub-
23 lish together with such regulation or standard the fol-
24 lowing:

1 “(A) *The benefits of the regulation or stand-*
2 *ard, quantified where appropriate and feasible,*
3 *and otherwise qualitatively described, including*
4 *in appropriate cases, the nature and number of*
5 *deaths or injuries that the regulation or stand-*
6 *ard is designed to prevent.*

7 “(B) *The approximate number of aircraft,*
8 *airports, airmen, or cabin crew affected by the*
9 *regulation or standard.*

10 “(C) *The probable cost of fulfilling the re-*
11 *quirements of the regulation or standard, quan-*
12 *tified where appropriate and feasible, and other-*
13 *wise qualitatively described, including in appro-*
14 *priate cases any adverse effects on competition or*
15 *disruption or dislocation of air service or other*
16 *commercial practices engaged in by the entities*
17 *affected by such requirements.*

18 “(D) *Alternative means of achieving the ob-*
19 *jective of the regulation or standard while mini-*
20 *mizing the costs, adverse effects on competition,*
21 *and the disruption or dislocation of air service*
22 *or the commercial practices affected by the regu-*
23 *lation or standard and a statement as to why*
24 *the Administration chose the regulation or stand-*

1 ard adopted in preference to the alternatives con-
2 sidered.

3 “(2) *EMERGENCY*.—In the case of an emergency,
4 the Chief Executive Officer or the Board may suspend
5 the application of this subsection for the duration of
6 the emergency.

7 “(3) *NONAPPLICABILITY TO ADVISORY CIRCULARS*.—This subsection shall not apply to advisory
8 circulars.”.

10 **SEC. 6. BUDGETARY TREATMENT OF TRUST FUND.**

11 (a) *IN GENERAL*.—Chapter 481 is amended by adding
12 at the end the following:

13 **“§48111. Budgetary treatment of Airport and Airway**
14 **Trust Fund**

15 “The receipts and disbursements of the Airport and
16 Airway Trust Fund established by section 9502 of the Inter-
17 nal Revenue Code of 1986 (26 U.S.C. 9502)—

18 “(1) shall not be included in the totals of—

19 “(A) the budget of the United States Gov-
20 ernment as submitted by the President, or

21 “(B) the congressional budget (including al-
22 locations of budget authority and outlays pro-
23 vided therein),

24 “(2) shall be exempt from any general budget
25 limitation imposed by statute on expenditures and

1 *net lending (budget outlays) of the United States Gov-*
 2 *ernment, and*

3 *“(3) shall be exempt from any order issued under*
 4 *part C of the Balanced Budget and Emergency Defi-*
 5 *cit Control Act of 1985.*

6 ***“§48112. Safeguards against deficit spending***

7 *“(a) ESTIMATES OF UNFUNDED AVIATION AUTHOR-*
 8 *IZATIONS AND NET AVIATION RECEIPTS.—Not later than*
 9 *March 31 of each year, the Federal Aviation Administra-*
 10 *tion, in consultation with the Secretary of the Treasury,*
 11 *shall estimate—*

12 *“(1) the amount which would (but for this sec-*
 13 *tion) be the unfunded aviation authorizations at the*
 14 *close of the first fiscal year that begins after that*
 15 *March 31, and*

16 *“(2) the net aviation receipts at the close of such*
 17 *fiscal year.*

18 *“(b) PROCEDURE OF EXCESS UNFUNDED AVIATION*
 19 *AUTHORIZATIONS.—If the Administration determines for*
 20 *any fiscal year that the amount described in subsection*
 21 *(a)(1) exceeds the amount described in subsection (a)(2), the*
 22 *Board shall determine the amount of such excess.*

23 *“(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED*
 24 *AUTHORIZATIONS EXCEED RECEIPTS.—*

1 “(1) *DETERMINATION OF PERCENTAGE.—If the*
 2 *Administration determines that there is an excess re-*
 3 *ferred to in subsection (b) for a fiscal year, the Ad-*
 4 *ministration shall determine the percentage which—*

5 “(A) *such excess, is of*

6 “(B) *the total of the amounts authorized to*
 7 *be appropriated from the Airport and Airway*
 8 *Trust Fund established by section 9502 of the In-*
 9 *ternal Revenue Code of 1986 (26 U.S.C. 9502)*
 10 *for the next fiscal year.*

11 “(2) *ADJUSTMENT OF AUTHORIZATIONS.—If the*
 12 *Administration determines a percentage under para-*
 13 *graph (1), each amount authorized to be appropriated*
 14 *from the Airport and Airway Trust Fund for the next*
 15 *fiscal year shall be reduced by such percentage.*

16 “(d) *AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-*
 17 *HELD.—*

18 “(1) *ADJUSTMENT OF AUTHORIZATIONS.—If,*
 19 *after a reduction has been made under subsection*
 20 *(c)(2), the Administration determines that the*
 21 *amount described in subsection (a)(1) does not exceed*
 22 *the amount described in subsection (a)(2) or that the*
 23 *excess referred to in subsection (b) is less than the*
 24 *amount previously determined, each amount author-*
 25 *ized to be appropriated that was reduced under sub-*

1 *section (c)(2) shall be increased, by an equal percent-*
 2 *age, to the extent the Administration determines that*
 3 *it may be so increased without causing the amount*
 4 *described in subsection (a)(1) to exceed the amount*
 5 *described in subsection (a)(2) (but not by more than*
 6 *the amount of the reduction).*

7 “(2) *APPORTIONMENT.*—*The Administration*
 8 *shall apportion amounts made available for appor-*
 9 *tionment by paragraph (1).*

10 “(3) *PERIOD OF AVAILABILITY.*—*Any funds ap-*
 11 *portioned under paragraph (2) shall remain available*
 12 *for the period for which they would be available if*
 13 *such apportionment took effect with the fiscal year in*
 14 *which they are apportioned under paragraph (2).*

15 “(e) *REPORTS.*—*Any estimate under subsection (a)*
 16 *and any determination under subsection (b), (c), or (d)*
 17 *shall be reported by the Administration to Congress.*

18 “(f) *DEFINITIONS.*—*In this section, the following defi-*
 19 *nitions apply:*

20 “(1) *NET AVIATION RECEIPTS.*—*The term ‘net*
 21 *aviation receipts’ means, with respect to any period,*
 22 *the excess of—*

23 “(A) *the receipts (including interest) of the*
 24 *Airport and Airway Trust Fund during such pe-*
 25 *riod, over*

1 “(B) the amounts to be transferred during
 2 such period from the Airport and Airway Trust
 3 Fund under section 9502(d) of the Internal Reve-
 4 nue Code of 1986 (other than paragraph (1)
 5 thereof).

6 “(2) *UNFUNDED AVIATION AUTHORIZATIONS.*—
 7 The term ‘unfunded aviation authorization’ means, at
 8 any time, the excess (if any) of—

9 “(A) the total amount authorized to be ap-
 10 propriated from the Airport and Airway Trust
 11 Fund which has not been appropriated, over

12 “(B) the amount available in the Airport
 13 and Airway Trust Fund at such time to make
 14 such appropriation (after all other unliquidated
 15 obligations at such time which are payable from
 16 the Airport and Airway Trust Fund have been
 17 liquidated).”.

18 (b) *CONFORMING AMENDMENT.*—The analysis for
 19 chapter 481 of title 49, United States Code, is amended by
 20 adding at the end the following:

 “48111. Budgetary treatment of Airport and Airway Trust Fund.

 “48112. Safeguards against deficit spending.”.

21 (c) *APPLICABILITY.*—This section (including the
 22 amendments made by this section) shall apply to fiscal
 23 years beginning after September 30, 1995.

1 **SEC. 7. AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.**

2 *Section 11 of the Inspector General Act of 1978 (5*
 3 *U.S.C. App.) is amended—*

4 *(1) in paragraph (1) by inserting “or Federal*
 5 *Aviation Administration” after “Community Serv-*
 6 *ice”; and*

7 *(2) in paragraph (2) by inserting “the Federal*
 8 *Aviation Administration,” after “United States Infor-*
 9 *mation Agency,”.*

10 **SEC. 8. PASSENGER FACILITY CHARGES.**

11 *(a) FEE RETAINED BY AIRLINES.—*

12 *(1) DEADLINE FOR RESPONSE TO PETITION.—*
 13 *Not later than 75 days after the date of the enactment*
 14 *of this Act, the Administrator of the Federal Aviation*
 15 *Administration shall issue a notice of a proposed*
 16 *rulemaking or a denial of the petition in Docket*
 17 *27791 of the Federal Aviation Administration (relat-*
 18 *ing to increasing the fee that airlines retain in col-*
 19 *lecting passenger facility charges).*

20 *(2) EFFECT OF FAILURE TO RESPOND.—If the*
 21 *Administrator does not respond to the petition in the*
 22 *docket referred to in paragraph (1) as required by*
 23 *paragraph (1), the fee increase sought by the peti-*
 24 *tioner in such docket shall become effective after the*
 25 *75th day referred to in paragraph (1) until such date*
 26 *as the Administrator responds to such petition.*

1 (b) *REVIEW OF PROGRAM.*—*The Secretary of Trans-*
 2 *portation shall complete the review required by section 121*
 3 *of the Federal Aviation Administration Reauthorization*
 4 *Act of 1994 (108 Stat. 1581) not later than the 75th day*
 5 *following the date of the enactment of this Act.*

6 **SEC. 9. SELECT PANEL TO REVIEW INNOVATIVE FUNDING**
 7 **MECHANISMS.**

8 (a) *ESTABLISHMENT.*—*The Federal Aviation Board*
 9 *shall establish a select panel to review and report to Con-*
 10 *gress regarding innovative financing mechanisms for ensur-*
 11 *ing adequate funding for existing and future aviation infra-*
 12 *structure needs and for funding the operations of the Fed-*
 13 *eral Aviation Administration in a manner that would pro-*
 14 *vide for future growth in the Nation's air traffic system,*
 15 *improve the management and performance of the air traffic*
 16 *control system, and make the Administration more efficient*
 17 *and effective. The financing mechanisms to be reviewed*
 18 *shall include, but not be limited to, loan guarantees, finan-*
 19 *cial partnerships with for-profit private sector entities,*
 20 *multi-year appropriations, revolving loan funds, manda-*
 21 *tory spending authority, authority to borrow, and restruc-*
 22 *tured grant programs.*

23 (b) *APPOINTMENT OF MEMBERS.*—*Not later than 90*
 24 *days after the date of the appointment of at least 2 members*
 25 *of the Board, the Board shall appoint members to the panel*

1 *established under this section. Such members shall consist*
 2 *of appropriate Federal Government officials and represent-*
 3 *atives of the aviation industry, Administration employees,*
 4 *the financial community, and State and local governments.*

5 (c) *TRAVEL AND PER DIEM.*—Each member of the
 6 panel established under this section shall be paid actual
 7 travel expenses, and per diem in lieu of subsistence expenses
 8 when away from his or her usual place of residence, in ac-
 9 cordance with section 5703 of title 5, United States Code.

10 (d) *APPLICABILITY OF FEDERAL ADVISORY COMMIT-*
 11 *TEES ACT.*—The select panel established under this section
 12 shall be subject to the Federal Advisory Committee Act (5
 13 U.S.C. App.).

14 (e) *REPORT.*—Not later than 1 year after the date of
 15 the appointment of the last member to the panel under sub-
 16 section (b), the panel shall submit to Congress and the Fed-
 17 eral Aviation Administration a report on the results of the
 18 review conducted under this section.

19 **SEC. 10. TRANSFER OF PERSONNEL, PROPERTY, RECORDS,**
 20 **AND FUNDS.**

21 *So much of the personnel, property, records, funds, ac-*
 22 *counts, and unexpended balances of appropriations, alloca-*
 23 *tions, and other funds of the Department of Transportation*
 24 *and the Federal Aviation Administration as are employed,*
 25 *used, held, available, or to be made available, in connection*

1 *with the functions which under this Act (including the*
 2 *amendments made by this Act) are made functions of the*
 3 *Federal Aviation Administration established by section*
 4 *1311 of title 49, United States Code, are transferred to the*
 5 *Federal Aviation Administration.*

6 **SEC. 11. SAVINGS PROVISIONS.**

7 (a) *ORDERS, REGULATIONS, CONTRACTS, AND CER-*
 8 *TIFICATES.*—*All orders, determinations, rules, regulations,*
 9 *permits, contracts, certificates, licenses, and privileges—*

10 (1) *which have been issued, made, granted, or al-*
 11 *lowed to become effective by the President or any Fed-*
 12 *eral department or agency or official thereof or by a*
 13 *court of competent jurisdiction, on or after the effec-*
 14 *tive date of this section in regard to functions which*
 15 *under this Act (including the amendments made by*
 16 *this Act) are made functions of the Federal Aviation*
 17 *Administration established by section 1311 of title 49,*
 18 *United States Code; and*

19 (2) *which are in effect on the effective date of*
 20 *this section,*
 21 *shall continue in effect according to their terms until modi-*
 22 *fied, terminated, superseded, set aside, or revoked in accord-*
 23 *ance with law by the President, the Federal Aviation Board,*
 24 *or other authorized officials, by a court of competent juris-*
 25 *diction, or by operation of law.*

1 (b) *PROCEEDINGS AND APPLICATIONS.*—*The provi-*
2 *sions of this Act (including the amendments made by this*
3 *Act) shall not affect any proceedings or any application*
4 *for any license, permit, certificate, or financial assistance*
5 *pending on the effective date of this section, and such pro-*
6 *ceedings and applications, to the extent that they relate to*
7 *functions under this Act that are made functions of the Ad-*
8 *ministration, shall be continued. Orders shall be issued in*
9 *such proceedings, appeals shall be taken therefrom, and*
10 *payments shall be made pursuant to such orders, as if this*
11 *Act had not been enacted; and orders issued in any such*
12 *proceedings shall continue in effect until modified, termi-*
13 *nated, superseded, or revoked by a duly authorized official,*
14 *by a court of competent jurisdiction, or by operation of law.*
15 *Nothing in this subsection shall be deemed to prohibit the*
16 *discontinuance or modification of any such proceeding*
17 *under the same terms and conditions and to the extent that*
18 *such proceeding could have been discontinued or modified*
19 *if this Act had not been enacted.*

20 (c) *SUITS.*—

21 (1) *EFFECT ON PENDING SUITS.*—*The provisions*
22 *of this Act (including the amendments made by this*
23 *Act) shall not affect suits commenced prior to the ef-*
24 *fective date of this section.*

1 (2) *PROCEDURES.*—*In all suits commenced prior*
 2 *to the effective date of this section, proceedings shall*
 3 *be had, appeals taken, and judgments rendered in the*
 4 *same manner and effect as if this Act had not been*
 5 *enacted.*

6 (d) *ADMINISTRATOR.*—*If the Chief Executive Officer of*
 7 *the Federal Aviation Administration is not appointed by*
 8 *the Federal Aviation Board on the effective date of this sec-*
 9 *tion, the person serving as the Administrator of the Federal*
 10 *Aviation Administration on the day before such effective*
 11 *date shall act as the Chief Executive Officer until the Chief*
 12 *Executive Officer is appointed as provided in section 1313*
 13 *of title 49, United States Code. While so acting, such person*
 14 *shall receive compensation at the rate such person was re-*
 15 *ceiving on the day before such effective date.*

16 (e) *AGREEMENTS WITH DEPARTMENT OF DEFENSE.*—
 17 *Any agreement between the Federal Aviation Administra-*
 18 *tion and the Department of Defense in effect on the day*
 19 *before the date of the enactment of this Act shall remain*
 20 *in effect until terminated in accordance with the terms of*
 21 *such agreement.*

22 **SEC. 12. LAWS AND REGULATIONS.**

23 *Except to the extent otherwise provided in this Act (in-*
 24 *cluding the amendments made by this Act), all laws, rules,*
 25 *regulations, and executive orders in effect and applicable*

1 *to the Federal Aviation Administration of the Department*
 2 *of Transportation and to the Administrator of such Admin-*
 3 *istration on the day before the effective date of this Act shall,*
 4 *on and after such effective date, be applicable to the Federal*
 5 *Aviation Administration and the Federal Aviation Board*
 6 *established by this Act (including the amendments made by*
 7 *this Act), until such law, rule, regulation, or executive order*
 8 *is repealed or otherwise modified or amended.*

9 **SEC. 13. TERMINATION OF FAA OF DOT.**

10 *The Federal Aviation Administration of the Depart-*
 11 *ment of Transportation is terminated.*

12 **SEC. 14. CORRESPONDING REDUCTIONS IN OFFICE OF SEC-**
 13 **RETARY.**

14 *The Secretary of Transportation shall terminate 200*
 15 *employee positions in the Office of the Secretary to reflect*
 16 *reductions in the aviation responsibilities in the Office of*
 17 *the Secretary by enactment of this Act.*

18 **SEC. 15. CONFORMING AMENDMENTS.**

19 *(a) FEDERAL AVIATION ADMINISTRATION IN DOT.—*

20 *(1) IN GENERAL.—Subject to paragraph (2), sub-*
 21 *sections (a) through (j) of section 106 are repealed.*

22 *(2) TECHNICAL ADJUSTMENTS.—*

23 *(A) IN GENERAL.—Subchapter II of chapter*
 24 *13 (as inserted by section 3 of this Act) is*
 25 *amended—*

1 (i) by adding at the end the following
2 new section heading:

3 **“§ 1317. Civil Aeromedical Institute”**; and

4 (ii) by inserting the text of section
5 106(j) as an undesignated paragraph under
6 such section heading.

7 (B) CHAPTER ANALYSIS AMENDMENT.—The
8 analysis for such chapter is amended by adding
9 after the item relating to section 1316 the follow-
10 ing:

“1317. Civil Aeromedical Institute.”.

11 (3) AUTHORIZATION OF APPROPRIATIONS FOR
12 FAA OPERATIONS.—

13 (A) FISCAL YEAR 1996.—Section 106(k) is
14 amended by—

15 (i) striking “(k) AUTHORIZATION OF
16 APPROPRIATIONS FOR OPERATIONS.—”;
17 and

18 (ii) by striking “Secretary of Trans-
19 portation” and inserting “Federal Aviation
20 Administration”.

21 (B) CONFORMING AMENDMENT.—Effective
22 September 30, 1996, section 106, as amended by
23 this subsection, and the item relating to section
24 106 in the analysis for chapter 1 are repealed.

1 **(b) GENERAL DUTIES AND POWERS OF THE DEPART-**
 2 **MENT OF TRANSPORTATION.**—

3 **(1) LEADERSHIP, CONSULTATION, AND COOPERA-**
 4 **TION.**—Section 301(6) is amended by striking “, with
 5 particular attention to aircraft noise, and including”
 6 and inserting “and”.

7 **(2) POLICY ON LANDS, WILDLIFE AND WATER-**
 8 **FOWL REFUGES, AND HISTORIC SITES.**—Section 303
 9 is amended—

10 **(A)** in subsection (b) by inserting “and the
 11 Federal Aviation Administration” after “of
 12 Transportation”; and

13 **(B)** in subsection (c) by inserting “and Ad-
 14 ministration” after “Secretary”.

15 **(3) REPORTS.**—Section 308(b) is amended—

16 **(A)** by striking “Secretary” the 1st place it
 17 appears and inserting “Federal Aviation
 18 Board”;

19 **(B)** by striking “Department” and inserting
 20 “Federal Aviation Administration”; and

21 **(C)** by striking “Secretary” the 2nd and
 22 3rd places it appears and inserting “Board”.

23 **(4) MEMBERS OF THE ARMED FORCES.**—Section
 24 324 is amended—

1 (A) by striking subsection (a) and inserting
2 the following:

3 “(a) *IN GENERAL.*—

4 “(1) *FAA.*—*The Federal Aviation Administra-*
5 *tion, to ensure that national defense interests are safe-*
6 *guarded properly and that the Administration is ad-*
7 *vised properly about the needs and special problems*
8 *of the armed forces, shall provide for participation of*
9 *members of the armed forces in carrying out the du-*
10 *ties and powers of the Administration related to the*
11 *regulation and protection of air traffic, including*
12 *providing for, and research and development of, air*
13 *navigation facilities, and the allocation of airspace.*

14 “(2) *SECRETARY OF TRANSPORTATION.*—*The*
15 *Secretary of Transportation may provide for partici-*
16 *pation of members of the armed forces in carrying out*
17 *other duties and powers of the Secretary.”; and*

18 (B) in subsection (d) by inserting after
19 “Transportation” each place it appears the fol-
20 lowing: “or Federal Aviation Administration”.

21 (5) *JUDICIAL REVIEW.*—Section 351(a) is
22 amended—

23 (A) by striking “An” and inserting “Subject
24 to section 1335, an”; and

1 (B) by striking “, the Federal Highway Ad-
 2 ministration, or the Federal Aviation Adminis-
 3 tration” and inserting “or the Federal Highway
 4 Administration”.

5 (6) *AUTHORITY TO CARRY OUT CERTAIN TRANS-*
 6 *FERRED DUTIES AND POWERS.*—Section 352 is
 7 amended by striking “, the Federal Highway Admin-
 8 istration, and the Federal Aviation Administration”
 9 and inserting “and the Federal Highway Administra-
 10 tion”.

11 (7) *TOXICOLOGICAL TESTING.*—Section 353(a) is
 12 amended—

13 (A) by inserting before “conducts” the fol-
 14 lowing: “or the Federal Aviation Administra-
 15 tion”;

16 (B) by inserting after “Department” the
 17 second place it appears “or Administration”;
 18 and

19 (C) by inserting before “shall” each place it
 20 appears “or Chief Executive Officer of the Ad-
 21 ministration”.

22 (c) *FUNCTIONS OF FAA.*—

23 (1) *NATIONAL TRANSPORTATION SAFETY*
 24 *BOARD.*—

1 (A) *DISCLOSURE OF DRUG TEST INFORMA-*
 2 *TION TO NTSB.*—Section 1114(d)(1) is amend-
 3 *ed—*

4 (i) by inserting before “shall” the fol-
 5 *lowing: “and the Federal Aviation Adminis-*
 6 *tration”;*

7 (ii) in subparagraph (A) by inserting
 8 *before “under post-accident” the following:*
 9 *“or the Administration”; and*

10 (iii) in subparagraph (A) by inserting
 11 *before “, when” the following: “or the Ad-*
 12 *ministration”.*

13 (B) *INVESTIGATION OF CERTAIN ACCI-*
 14 *DENTS.*—Section 1131(c)(1) is amended by in-
 15 *serting “or the Federal Aviation Administration,*
 16 *as the case may be,” after “Transportation”.*

17 (C) *CIVIL AIRCRAFT ACCIDENT INVESTIGA-*
 18 *TIONS.*—Section 1132 is amended—

19 (i) in the heading to subsection (c) by
 20 *striking “SECRETARY” and inserting “FED-*
 21 *ERAL AVIATION ADMINISTRATION”;*

22 (ii) in subsection (c) by striking “Sec-
 23 *retary of Transportation” and inserting*
 24 *“Federal Aviation Administration”;*

(iii) in subsection (c) by striking “Secretary” the 2nd and 3rd places it appears and inserting “Administration”; and

(iv) in subsection (d) by striking “Secretary” each place it appears and inserting “Administration”.

(D) REVIEW OF OTHER AGENCY ACTION.—Section 1133(1) is amended by striking “Secretary of Transportation” and inserting “Federal Aviation Administration”.

(E) RESPONSES TO SAFETY RECOMMENDATIONS.—Section 1135 is amended—

(i) by striking the section heading and inserting the following:

“§1135. DOT’s and FAA’s responses to safety recommendations”;

(ii) in subsection (a) by inserting after “Secretary of Transportation” the following: “or the Federal Aviation Administration”;

(iii) in subsection (a) by inserting “or the Administration” after “Secretary” the 2nd and 3rd places it appears;

(iv) in subsection (d) by striking “shall” and inserting “and the Administration shall each”;

1 (v) in subsection (d) by inserting before
2 “during” the following: “or Administra-
3 tion”; and

4 (vi) in subsection (d) by inserting after
5 “Secretary’s” the following: “or Administra-
6 tion’s”.

7 (F) JUDICIAL REVIEW.—Section 1153(c) is
8 amended—

9 (i) in the subsection heading by strik-
10 ing “ADMINISTRATOR” and inserting “AD-
11 MINISTRATION”;

12 (ii) by striking “the Administrator of”;
13 and

14 (iii) by striking “Administrator” the
15 second and third places it appears and in-
16 serting “Administration”.

17 (G) CONFORMING AMENDMENT.—The analy-
18 sis to chapter 11 is amended by striking the item
19 relating to section 1135 and inserting the follow-
20 ing:

“1135. DOT’s and FAA’s responses to safety recommendations.”.

21 (2) INTERMODAL TRANSPORTATION ADVISORY
22 BOARD.—Section 5502(b) is amended to read as fol-
23 lows:

24 “(b) MEMBERSHIP.—The Board consists of—

25 “(1) the Secretary, who serves as chairman;

1 “(2) *the Chief Executive Officer of the Federal*
 2 *Aviation Administration or the Chief Executive Offi-*
 3 *cer’s designee; and*

4 “(3) *the Administrator, or the Administrator’s*
 5 *designee, of—*

6 “(A) *the Federal Highway Administration;*

7 “(B) *the Maritime Administration;*

8 “(C) *the Federal Railroad Administration;*

9 *and*

10 “(D) *the Federal Transit Administration.”.*

11 (3) *GENERAL PROVISIONS RELATING TO AIR*
 12 *COMMERCE AND SAFETY.—*

13 (A) *POLICY.—Section 40101 is amended—*

14 (i) *in subsection (a) by inserting after*

15 *“Secretary of Transportation” the following:*

16 *“and the Federal Aviation Administration”;*

17 (ii) *in subsection (c) by striking “Ad-*
 18 *ministrator of the”;* *and*

19 (iii) *in subsection (d) by striking “Ad-*
 20 *ministrator” and inserting “Administra-*
 21 *tion”.*

22 (B) *DEFINITIONS.—Section 40102(a) is*
 23 *amended—*

24 (i) *in paragraphs (8)(B) and (37) by*
 25 *striking “the Administrator of”;*

1 (ii) in paragraph (20) by striking
2 “Administrator” and inserting “Federal
3 Aviation Administration”; and

4 (iii) by moving the second sentence of
5 paragraph (37) 2 ems to the left.

6 (C) SOVEREIGNTY AND USE OF AIR
7 SPACE.—Section 40103 is amended—

8 (i) in subsection (a)(2) by inserting
9 after “Secretary of Transportation” the fol-
10 lowing: “and the Federal Aviation Adminis-
11 tration”; and

12 (ii) in subsection (b)—

13 (I) by striking “Administrator of
14 the”; and

15 (II) by striking “Administrator”
16 each place it appears after the first
17 and inserting “Administration”.

18 (D) PROMOTION OF CIVIL AERONAUTICS
19 AND AIR COMMERCE.—Section 40104 is amend-
20 ed—

21 (i) in subsection (a) by striking “Ad-
22 ministrators of the”; and

23 (ii) in subsection (a) by striking “Ad-
24 ministrators” each place it appears after the
25 first and inserting “Administration”; and

(iii) in subsection (b) by striking “Secretary of Transportation” and inserting “Administration”.

(E) *INTERNATIONAL NEGOTIATIONS, AGREEMENTS, AND OBLIGATIONS.*—Section 40105 is amended—

(i) in subsection (a) by striking “Administrator of the”;

(ii) in the heading to subsection (b) by striking “ADMINISTRATOR” and inserting “ADMINISTRATION”;

(iii) in subsection (b)(1) by striking “Administrator” and inserting “Administration”; and

(iv) in subsection (c)(1) by inserting before the semicolon “and the Federal Aviation Administration”.

(F) *EMERGENCY POWERS.*—Section 40106 is amended—

(i) in subsection (a)—

(I) in paragraph (1) by striking “Administrator of the”; and

(II) in paragraph (2) by striking “Administrator” and inserting “Administration”; and

1 (ii) in subsection (b)(2) by inserting
 2 after “Secretary of Transportation” the fol-
 3 lowing: “or the Federal Aviation Adminis-
 4 tration”.

5 (G) *PRESIDENTIAL TRANSFERS*.—Section
 6 40107 is amended—

7 (i) in subsection (a) by striking “Ad-
 8 ministrators of the”; and

9 (ii) by striking “Administrator” each
 10 place it appears after the first and inserting
 11 “Administration”.

12 (H) *TRAINING SCHOOLS*.—Section 40108 is
 13 amended—

14 (i) in subsection (a) by striking “Ad-
 15 ministrators of the”; and

16 (ii) by striking “Administrator” each
 17 place it appears after the first and inserting
 18 “Administration”.

19 (I) *AUTHORITY TO EXEMPT*.—Section
 20 40109(b) is amended—

21 (i) by striking “Administrator of the”;
 22 and

23 (ii) by striking “Administrator” the
 24 second place it appears and inserting “Ad-
 25 ministration”.

1 (J) *GENERAL PROCUREMENT AUTHORITY.*—

2 Section 40110 is amended—

3 (i) in subsection (a) by striking “Ad-
4 ministrators of the”;

5 (ii) in subsection (a)(1) by striking
6 “Administrator” and inserting “Adminis-
7 tration”;

8 (iii) in subsection (b) by striking “Ad-
9 ministrators of” the first place it appears
10 and inserting “Chief Executive Officer of”;

11 (iv) in subsection (b)(2)(E) by striking
12 “Administrator of the”; and

13 (v) in subsection (b)(2)(E) by striking
14 “Administrator;” and inserting “Adminis-
15 tration;”.

16 (K) *MULTIYEAR PROCUREMENT CONTRACTS*
17 *FOR SERVICES AND RELATED ITEMS.*—Section
18 40111 is amended—

19 (i) in subsection (a) by striking “Ad-
20 ministrators of the”; and

21 (ii) in subsections (b) and (c) by strik-
22 ing “Administrator” each place it appears
23 and inserting “Administration”.

24 (L) *MULTIYEAR PROCUREMENT CONTRACTS*
25 *FOR PROPERTY.*—Section 40112 is amended—

1 (i) in subsection (a) by striking “Ad-
2 ministrators of the”;

3 (ii) in subsections (b), (c), and (e)(2)
4 by striking “Administrator” each place it
5 appears and inserting “Administration”;
6 and

7 (iii) by adding at the end the follow-
8 ing:

9 “(g) *LIMITATION.*—This section and section 40111
10 shall not be effective to the extent they are inconsistent with
11 the acquisition management system being implemented
12 under section 1334.”.

13 (M) *ADMINISTRATIVE.*—Section 40113 is
14 amended—

15 (i) in subsection (a) by striking “(or
16 the Administrator of” and inserting “and”;

17 (ii) in subsection (a) by striking “Ad-
18 ministrators)” and inserting “Administra-
19 tion”;

20 (iii) in subsection (a) by striking “Ad-
21 ministrators” the last place it appears and
22 inserting “Administration”;

23 (iv) in subsection (b) by striking “has”
24 the 1st place it appears and inserting “and
25 the Administration have”;

1 (v) in subsection (c) by striking “The
2 Secretary” and all that follows through
3 “Administrator)” and inserting “In carry-
4 ing out aviation safety functions, duties,
5 and powers, the Federal Aviation Adminis-
6 tration”;

7 (vi) in subsection (c) by striking “to
8 assist the Secretary or Administrator of”
9 and inserting “to assist”;

10 (vii) in subsection (d) by striking “Ad-
11 ministrator of the”;

12 (viii) in subsection (d) by striking
13 “Administrator” the last place it appears
14 and inserting “Administration”;

15 (ix) in subsection (e) by striking “Ad-
16 ministrator” each place it appears and in-
17 serting “Administration”; and

18 (x) by adding at the end the following:

19 “(f) *EXEMPTIONS.*—

20 “(1) *FAA REVIEW OF REGULATIONS.*—Prior to
21 issuing any regulation or granting any exemption to
22 a regulation issued under this chapter that affects the
23 transportation of hazardous materials by air, the Sec-
24 retary shall provide the Administration an oppor-
25 tunity for review, and the Administration may dis-

1 *approve such action if the Administration determines*
 2 *that there would be an adverse effect on aviation safe-*
 3 *ty.*

4 *“(2) PROPOSED CHANGES.—The Administration*
 5 *may, in the interest of aviation safety, propose to the*
 6 *Secretary regulatory changes affecting the transpor-*
 7 *tation of hazardous materials by air.*

8 *“(3) ENFORCEMENT.—Enforcement actions for*
 9 *violations of this chapter or of any regulations issued*
 10 *under this chapter that affect the transportation of*
 11 *hazardous materials by air shall be brought by the*
 12 *Administration.”.*

13 *(N) REPORTS AND RECORDS.—Section*
 14 *40114 is amended—*

15 *(i) in subsection (a)(1) by striking “(or*
 16 *the Administrator of” and inserting “and”;*

17 *(ii) in subsection (a)(1) by striking*
 18 *“Administrator)” and inserting “Adminis-*
 19 *tration”;*

20 *(iii) in subsection (a)(1) by striking*
 21 *“Administrator” the last place it appears*
 22 *and inserting “Administration”;*

23 *(iv) in subsection (a)(2) by striking*
 24 *“(or the Administrator” and inserting “and*
 25 *the Administration”;*

1 (v) in subsection (a)(2) by striking
2 “Administrator” and inserting “Adminis-
3 tration”; and

4 (vi) in subsection (a)(2) by striking
5 “Administrator” the last 2 places it appears
6 and inserting “Administration”.

7 (O) *WITHHOLDING INFORMATION*.—Section
8 40115(a) is amended by inserting after “Sec-
9 retary of Transportation” each place it appears
10 the following: “or Federal Aviation Administra-
11 tion”.

12 (P) *PASSENGER FACILITY FEES*.—Section
13 40117 is amended—

14 (i) in subsection (b)(1) by striking
15 “Secretary of Transportation” and insert-
16 ing “Federal Aviation Administration”;
17 and

18 (ii) in subsections (c) through (i) by
19 striking “Secretary” each place it appears
20 and inserting “Administration”.

21 (Q) *SECURITY AND RESEARCH AND DEVEL-*
22 *OPMENT ACTIVITIES*.—Section 40119 is amend-
23 ed—

24 (i) in subsection (a) by striking “Ad-
25 ministrator of the”; and

1 (ii) in subsections (b) and (c) by strik-
 2 ing “Administrator” each place it appears
 3 and inserting “Administration”.

4 (4) NAVIGATION OF FOREIGN CIVIL AIRCRAFT.—
 5 Section 41703 is amended—

6 (A) in subsection (a)(3) by inserting “, after
 7 consultation with the Federal Aviation Adminis-
 8 tration,” after “Secretary of Transportation”;
 9 and

10 (B) in subsection (b) by inserting “, after
 11 consultation with the Federal Aviation Adminis-
 12 tration,” after “Secretary” the 2nd place it ap-
 13 pears.

14 (5) SLOTS.—Section 41714 is amended—

15 (A) in subsection (a)(1) by striking “Sec-
 16 retary of Transportation” and inserting “Fed-
 17 eral Aviation Administration”;

18 (B) in subsections (a)(2), (a)(3), (a)(4),
 19 (b)(1), (b)(2), (c), (d), (f), and (g) by striking
 20 “Secretary” and “SECRETARY” each place they
 21 appear and inserting “Administration” and
 22 “ADMINISTRATION”, respectively;

23 (C) in subsection (b)(3) by striking “Sec-
 24 retary” the first place it appears and inserting
 25 “Administration”;

1 (D) in subsection (b)(3) by inserting after
 2 “Secretary” the second place it appears the fol-
 3 lowing: “of Transportation”;

4 (E) in subsection (h)(2) by striking “Ad-
 5 ministrator” and inserting “Administration”;
 6 and

7 (F) by adding at the end the following:

8 “(i) CONSULTATION WITH DOT.—In making deter-
 9 minations with respect to essential air service, exceptional
 10 circumstances, and the public interest, the Administration
 11 shall consult with the Secretary of Transportation.”.

12 (6) REGISTRATION AND RECORDATION OF AIR-
 13 CRAFT.—Chapter 441 (other than section 44109) is
 14 amended—

15 (A) by striking “Administrator of the” each
 16 place it appears;

17 (B) by striking “Administrator” each place
 18 it appears (other than a place to which subpara-
 19 graph (A) applies and the 3rd place it appears
 20 in section 44111(d)) and inserting “Administra-
 21 tion”; and

22 (C) in section 44102(b) by striking “Sec-
 23 retary of Transportation” and inserting “Fed-
 24 eral Aviation Administration”.

25 (7) INSURANCE.—Chapter 443 is amended—

(A) by striking “Secretary of Transportation” each place it appears and inserting “Federal Aviation Administration”; and

(B) by striking “Secretary” each place it appears (other than a place to which subparagraph (A) applies, the 2nd, 3rd, and 5th places it appears in section 44305(b), the 1st place it appears in section 44307(a)(1), the 2nd place it appears in section 44307(b), and the 3rd place it appears in section 44307(d)) and inserting “Administration”.

(8) *FACILITIES, PERSONNEL, AND RESEARCH.*—

Chapter 445 is amended—

(A) by striking “Administrator of the” each place it appears (other than the 1st place it appears in section 44501(c)(2)(B) and the last place it appears in section 44502(c)(1));

(B) by striking “Administrator” each place it appears (other than a place to which subparagraph (A) applies, the 1st place it appears in section 44501(c)(2)(B), the last place it appears in section 44502(c), and in section 44507(3)) and inserting “Administration”;

(C) in section 44506(b) by striking “Administrators of the Federal Aviation Administra-

1 *tion and” and inserting “Federal Aviation Ad-*
 2 *ministration and the Administrator of the”;*

3 *(D) in section 44506(c) by striking “De-*
 4 *partment of Transportation” and inserting “Ad-*
 5 *ministration”;*

6 *(E) in section 44506(d) by striking “Public*
 7 *Works and Transportation” and inserting*
 8 *“Transportation and Infrastructure”;*

9 *(F) in section 44507—*

10 *(i) by striking “106(j)” and inserting*
 11 *“1317”; and*

12 *(ii) by striking “the Administrator” in*
 13 *paragraph (3) and inserting “the Federal*
 14 *Aviation Board”;*

15 *(G) in section 44514(b) by striking “Sec-*
 16 *retary and the”;*

17 *(H) by striking “Secretary of Transpor-*
 18 *tation” each place it appears and inserting*
 19 *“Federal Aviation Administration”; and*

20 *(I) by striking “Secretary” each place it ap-*
 21 *pears (other than in sections 44501(b)(1)(B),*
 22 *44502(c)(1), and 44505(a)(3) and a place to*
 23 *which subparagraphs (G) and (H) apply) and*
 24 *inserting “Administration”.*

1 (9) *SAFETY REGULATION.*—Chapter 447 is
2 *amended—*

3 (A) *by striking “Administrator of the” each*
4 *place it appears (other than the 2nd place it ap-*
5 *pears in section 44714, the 2nd place it appears*
6 *in section 44715(a)(2), the 1st, 4th, 7th, 9th,*
7 *10th, and 11th places it appears in section*
8 *44715(c), the 1st and 3rd places it appears in*
9 *section 44715(d)(1), the 2nd place it appears in*
10 *section 44715(d)(2), the 1st, 3rd, and 5th places*
11 *it appears in section 44715(e), and the 2nd, 4th,*
12 *and 6th places it appears in section 44715(f));*

13 (B) *by striking “Administrator” each place*
14 *it appears (other than a place to which subpara-*
15 *graph (A) applies, the 3rd place it appears in*
16 *section 44703(f)(2), the 3rd place it appears in*
17 *section 44713(d)(2), the 2nd place it appears in*
18 *section 44714, the 2nd place it appears in sec-*
19 *tion 44715(a)(2), the 1st, 4th, 7th, 9th, 10th, and*
20 *11th places it appears in section 44715(c), the*
21 *1st and 3rd places it appears in section*
22 *44715(d)(1), the 2nd place it appears in section*
23 *44715(d)(2), the 1st, 3rd, and 5th places it ap-*
24 *pears in section 44715(e), the 2nd, 4th, and 6th*
25 *places it appears in section 44715(f), and in sec-*

1 tion 44720(b)(2)) and inserting “Administra-
2 tion”;

3 (C) in section 44702(d)(3) by striking “Ad-
4 ministrator’s” and inserting “Administration’s”;

5 (D) in the subsection heading to section
6 44709(b) by striking “ADMINISTRATOR” and in-
7 serting “ADMINISTRATION”;

8 (E) in section 44720(b)(2) by striking “Ad-
9 ministrator” each place it appears and inserting
10 “Federal Aviation Administration”;

11 (F) by striking “Secretary of Transpor-
12 tation” each place it appears (other than in sec-
13 tions 44712(b)(2) and 44723) and inserting
14 “Federal Aviation Administration”;

15 (G) in section 44723 by striking “Secretary
16 of Transportation” and inserting “Federal Avia-
17 tion Board”; and

18 (H) by striking “Secretary” each place it
19 appears (other than in sections 44712(b)(2) and
20 44720 and a place to which subparagraph (F) or
21 (G) applies) and inserting “Administration”.

22 (10) SECURITY.—Chapter 449 is amended—

23 (A) by striking “Administrator of the” each
24 place it appears;

1 (B) by striking “Administrator” each place
 2 it appears (other than a place to which subpara-
 3 graph (A) applies, the 1st two places it appears
 4 in section 44932(a), the 1st place it appears in
 5 section 44932(b), the 1st place it appears in sec-
 6 tion 44932(c), the 5th place it appears in section
 7 44933(a), and each place it appears in section
 8 44934(b)) and inserting “Administration”;

9 (C) in section 44933(b)(4) by striking “Ad-
 10 ministrator’s” and inserting “Administration’s”;

11 (D) by striking the heading for section
 12 44932 and inserting “**Civil aviation secu-**
 13 **rity**”;

14 (E) by striking subsection (a) of section
 15 44932 and redesignating subsections (b) and (c)
 16 as subsections (a) and (b), respectively;

17 (F) in section 44932(a), as redesignated by
 18 subparagraph (E), by striking “Assistant Ad-
 19 ministrator” and inserting “officer designated by
 20 the Chief Executive Officer of the Federal Avia-
 21 tion Administration”;

22 (G) in section 44932(b), as redesignated by
 23 subparagraph (E), by striking “Assistant Ad-
 24 ministrator” and inserting “Administration”;

1 (H) in sections 44933(a) and 44934(b) by
 2 striking “Assistant Administrator for Civil Avia-
 3 tion Security” and inserting “officer designated
 4 by the Chief Executive Officer of the Administra-
 5 tion”;

6 (I) in section 44934(b)(1) by striking “As-
 7 sistant Administrator” and inserting “Adminis-
 8 tration”;

9 (J) by striking “Secretary of Transpor-
 10 tation” each place it appears (other than in sec-
 11 tions 44903(b)(1), 44907(d)(1)(C), 44907(d)(3),
 12 44907(e), 44907(f), 44911(b), 44912(a)(3),
 13 44931, and 44938(a)) and inserting “Federal
 14 Aviation Administration”;

15 (K) by striking “Secretary” each place it
 16 appears (other than a place to which subpara-
 17 graph (J) applies, the 1st place it appears in
 18 section 44903(d), in section 44903(b)(1), the 2nd
 19 place it appears in section 44907(b), the 3rd
 20 place it appears in section 44907(c), in section
 21 44907(d)(1)(C), the 3rd place it appears in sec-
 22 tion 44907(d)(2)(A)(ii), the 2nd and 3rd places
 23 it appears in section 44907(d)(2)(B), in section
 24 44907(d)(3), the 2nd place it appears in section
 25 44907(d)(4), in sections 44907(e) and 44907(f),

1 the 4th place it appears in section 44908(a), the
 2 1st place it appears in section 44908(b), the 2nd
 3 place it appears in section 44909(a), and in sec-
 4 tions 44910, 44911, 44912(a)(3), 44931, 44934,
 5 and 44938(a)) and inserting “Administration”;

6 (L) in section 44905(g) by striking “De-
 7 partment of Transportation” and inserting
 8 “Federal Aviation Administration”;

9 (M) in sections 44907(d)(1)(C),
 10 44907(d)(3), 44907(e), and 44907(f) by inserting
 11 “or Federal Aviation Administration” after “of
 12 Transportation”;

13 (N) in section 44907(d)(3) by inserting “or
 14 Administration” after “Secretary” the 2nd place
 15 it appears; and

16 (O) in the chapter analysis by striking the
 17 item relating to section 44932 and inserting the
 18 following:

“44932. Civil aviation security.”.

19 (11) *ALCOHOL AND CONTROLLED SUBSTANCES*
 20 *TESTING*.—Chapter 451 is amended—

21 (A) by striking “Administrator of the” each
 22 place it appears; and

23 (B) by striking “Administrator” each place
 24 it appears (other than a place to which subpara-

1 *graph (A) applies) and inserting “Administra-*
 2 *tion”.*

3 *(12) FEES.—Chapter 453 is amended—*

4 *(A) by striking “Administrator of the” each*
 5 *place it appears;*

6 *(B) by striking “Administrator” each place*
 7 *it appears (other than a place to which subpara-*
 8 *graph (A) applies) and inserting “Administra-*
 9 *tion”;*

10 *(C) in section 45301(a) by inserting after*
 11 *“Secretary of Transportation” the following:*
 12 *“and the Federal Aviation Administration, as*
 13 *the case may be,”; and*

14 *(D) in section 45301(c)(4) by striking “Ad-*
 15 *ministrator’s” and inserting “Administration’s”.*

16 *(13) INVESTIGATIONS AND PROCEEDINGS.—*
 17 *Chapter 461 is amended—*

18 *(A) in sections 46101(a)(1), 46102(a),*
 19 *46103(a)(1), and 46104(a)—*

20 *(i) by striking “(or the Administrator*
 21 *of” and inserting “(or”; and*

22 *(ii) by striking “Administrator)” and*
 23 *inserting “Administration)”;*

24 *(B) by striking “Administrator of the” each*
 25 *place it appears (other than a place to which*

1 subparagraph (A)(i) applies and in section
2 46101(b));

3 (C) by striking “Administrator” each place
4 it appears (other than a place to which subpara-
5 graph (A) or (B) applies) and inserting “Ad-
6 ministration”;

7 (D) in section 46109 by inserting “or the
8 Federal Aviation Administration” after “Trans-
9 portation”; and

10 (E) in the subsection heading to section
11 46107(c) by striking “ADMINISTRATOR” and in-
12 serting “ADMINISTRATION”.

13 (14) *PENALTIES*.—Chapter 463 is amended—

14 (A) in section 46301(c)—

15 (i) by inserting “by other than air”
16 after “transportation” in paragraph (1)(D);

17 (ii) by redesignating paragraph (2) as
18 paragraph (3);

19 (iii) by inserting after paragraph (1)
20 the following:

21 “(2) *FAA NOTICE AND HEARING*.—The Federal
22 Aviation Administration may impose a civil penalty
23 for violations under subsection (a)(1) of this section
24 related to the transportation by air of hazardous ma-

1 *terial only after notice and an opportunity for a*
2 *hearing.”;*

3 *(iv) by inserting “or Administration,*
4 *as appropriate,” after “Secretary” in para-*
5 *graph (3), as so redesignated; and*

6 *(v) by striking “paragraph (1) of” in*
7 *such paragraph (3).*

8 *(B) in section 46301(d)(2) by striking “Ad-*
9 *ministrator of the”;*

10 *(C) in subsections (d) and (e) of section*
11 *46301—*

12 *(i) by striking “Administrator” each*
13 *place it appears (other than a place to*
14 *which subparagraph (A) applies) and in-*
15 *serting “Administration”; and*

16 *(ii) by striking “Secretary” each place*
17 *it appears and inserting “Administration”;*

18 *(D) in section 46301(f) by inserting “or Ad-*
19 *ministration, as the case may be,” after “Sec-*
20 *retary”;*

21 *(E) in section 46301(g) by inserting “and*
22 *an order of the Administration” before “impos-*
23 *ing”;*

1 (F) in section 46301(h)(2) by striking the
2 parenthetical phrase and inserting “or Adminis-
3 tration, as appropriate,”;

4 (G) in section 46302(b) by striking “Sec-
5 retary of Transportation” and inserting “Fed-
6 eral Aviation Administration”;

7 (H) in section 46303—

8 (i) by striking “Secretary of Transpor-
9 tation” and inserting “Federal Aviation
10 Administration”; and

11 (ii) by striking “Administrator of the”;

12 (I) in section 46304—

13 (i) by striking “Administrator of the”;

14 and

15 (ii) by striking “Administrator” each
16 place it appears (other than a place to
17 which clause (i) applies) and inserting “Ad-
18 ministration”;

19 (J) in section 46306 by striking “Adminis-
20 trator of the” each place it appears;

21 (K) in section 46308(2) by striking “Ad-
22 ministrators of the”;

23 (L) in section 46311—

24 (i) by striking “Administrator of the”;

25 and

1 (ii) by striking “Administrator” each
 2 place it appears (other than a place to
 3 which clause (i) applies) and inserting “Ad-
 4 ministration”;

5 (M) in section 46313—

6 (i) by striking “Administrator of the”;
 7 and

8 (ii) by striking “Administrator” the
 9 2nd place it appears and inserting “Admin-
 10 istration”;

11 (N) in section 46315(b)(1) by striking “Ad-
 12 ministrator of the”; and

13 (O) in section 46316(a)—

14 (i) by striking “Administrator of the”;
 15 and

16 (ii) by striking “Administrator” the
 17 2nd place it appears and inserting “Admin-
 18 istration”.

19 (15) *SPECIAL AIRCRAFT JURISDICTION OF UNIT-*
 20 *ED STATES.*—Section 46505(d)(2) is amended by
 21 striking “Administrator of the”.

22 (16) *AIRPORT DEVELOPMENT.*—Chapter 471 is
 23 amended—

24 (A) by striking “Secretary of Transpor-
 25 tation” each place it appears (other than in sec-

1 *tion 47102(1)(A)) and inserting “Federal Avia-*
 2 *tion Administration”;*

3 *(B) by striking “Secretary” each place it*
 4 *appears (other than a place to which subpara-*
 5 *graph (A) applies, in sections 47101(h),*
 6 *47102(1)(A), 47102(1)(B)(i), 47103(a), 47103(c),*
 7 *47106(c)(2), 47107(j)(4), 47110(e), and*
 8 *47112(b), and the 2nd and 3rd places it appears*
 9 *in section 47153(b)) and inserting “Administra-*
 10 *tion”;*

11 *(C) in section 47106(c)(1)(B)(ii) by insert-*
 12 *ing “of the Environmental Protection Agency”*
 13 *after “Administrator”;*

14 *(D) in section 47106(c)(2) by striking “Sec-*
 15 *retary” and inserting “Federal Aviation Admin-*
 16 *istration”;*

17 *(E) in sections 47106(c)(3) and*
 18 *47110(d)(2)(B) by striking “Secretary’s” and in-*
 19 *serting “Administration’s”;*

20 *(F) in section 47107(k) by striking “Public*
 21 *Works and Transportation” and inserting*
 22 *“Transportation and Infrastructure”;*

23 *(G) in section 47110(e)—*

24 *(i) by striking “Secretary” each place*
 25 *(other than the 2nd and 6th places) it ap-*

1 *pears and inserting “Federal Aviation*
 2 *Board”;* and

3 *(ii) by striking “Secretary” the 2nd*
 4 *and 6th places it appears and inserting*
 5 *“Federal Aviation Administration”;*

6 *(H) in the heading for each of sections*
 7 *47117(h), 47129(a)(3), and 47129(c) by striking*
 8 *“SECRETARY” and inserting “ADMINISTRATION”;*

9 *(I) in the subsection heading for section*
 10 *47129(a) by striking “SECRETARY’S” and insert-*
 11 *ing “ADMINISTRATION’S”;* and

12 *(J) in section 47130 by striking “Adminis-*
 13 *trator of the”.*

14 *(17) INTERNATIONAL AIRPORT FACILITIES.—*

15 *Chapter 473 is amended—*

16 *(A) in section 47302—*

17 *(i) by striking “Secretary of Transpor-*
 18 *tation” in subsection (a)(1) and inserting*
 19 *“Federal Aviation Administration”;* and

20 *(ii) by striking “Secretary of Trans-*
 21 *portation or” in subsection (c) and insert-*
 22 *ing “Federal Aviation Administration or*
 23 *the Secretary of”;*

24 *(B) in section 47303—*

1 (i) by striking “Secretary of Transpor-
2 tation or” and inserting “Federal Aviation
3 Administration or the Secretary of”; and

4 (ii) in paragraph (1) by striking “Sec-
5 retary” and inserting “agency head”;

6 (C) in section 47304—

7 (i) by striking “Secretary of Transpor-
8 tation or” in subsection (a) and inserting
9 “Federal Aviation Administration or the
10 Secretary of”;

11 (ii) by striking “Secretary” the 2nd
12 and 3rd places it appears in subsection (a)
13 and inserting “agency head”;

14 (iii) by striking “Secretary of Trans-
15 portation” the 1st place it appears in sub-
16 section (b) and inserting “Federal Aviation
17 Administration”;

18 (iv) by striking “Secretary of Trans-
19 portation or” in subsection (b)(2) and in-
20 serting “Chief Executive Officer of the Fed-
21 eral Aviation Administration or the Sec-
22 retary of”;

23 (v) by striking “Secretary of Transpor-
24 tation” each place it appears in subsection

1 (c) and inserting “Federal Aviation Admin-
2 istration”; and

3 (vi) by striking “Secretary of Trans-
4 portation or” in subsection (d)(2) and in-
5 serting “Chief Executive Officer of the Fed-
6 eral Aviation Administration or the Sec-
7 retary of”;

8 (D) in section 47305—

9 (i) by striking “Secretary of Transpor-
10 tation” in subsection (a) and inserting
11 “Federal Aviation Administration”;

12 (ii) by striking “Secretary” the 3rd
13 and 4th places it appears in subsection (a)
14 and inserting “agency head”; and

15 (iii) by striking “Secretary of Trans-
16 portation or” in subsection (b) and insert-
17 ing “Chief Executive Officer of the Federal
18 Aviation Administration or the Secretary
19 of”; and

20 (E) in section 47306 by striking “Secretary
21 of Transportation” and inserting “Federal Avia-
22 tion Administration”.

23 (18) NOISE.—Chapter 475 is amended—

24 (A) by striking “Administrator of the” each
25 place it appears (other than the 1st place it ap-

1 *pears in section 47502, the 2nd place it appears*
 2 *in section 47509(a), the 2nd place it appears in*
 3 *section 47509(c), the 2nd place it appears in sec-*
 4 *tion 47509(d), and the 2nd place it appears in*
 5 *section 47509(e));*

6 *(B) by striking “Administrator” each place*
 7 *it appears (other than a place to which subpara-*
 8 *graph (A) applies, the 1st place it appears in*
 9 *section 47502, the 2nd place it appears in sec-*
 10 *tion 47509(a), the 2nd place it appears in sec-*
 11 *tion 47509(c), the 2nd place it appears in sec-*
 12 *tion 47509(d), and the 2nd place it appears in*
 13 *section 47509(e)) and inserting “Administra-*
 14 *tion”;*

15 *(C) by striking “Secretary of Transpor-*
 16 *tation” each place it appears and inserting*
 17 *“Federal Aviation Administration”; and*

18 *(D) by striking “Secretary” each place it*
 19 *appears (other than a place to which subpara-*
 20 *graph (C) applies) and inserting “Administra-*
 21 *tion”.*

22 *(19) FINANCING.—Chapter 481 (other than sec-*
 23 *tion 48109) is amended—*

24 *(A) by striking “Administrator of the” each*
 25 *place it appears;*

1 (B) by striking “Administrator” each place
 2 it appears (other than a place to which subpara-
 3 graph (A) applies) and inserting “Administra-
 4 tion”;

5 (C) by striking “Secretary of Transpor-
 6 tation” each place it appears and inserting
 7 “Federal Aviation Administration”;

8 (D) by striking “Secretary” each place it
 9 appears (other than a place to which subpara-
 10 graph (C) applies and the 1st place it appears
 11 in section 48105) and inserting “Administra-
 12 tion”;

13 (E) in section 48102(d)(2) by striking
 14 “Public Works and Transportation” and insert-
 15 ing “Transportation and Infrastructure”; and

16 (F) in section 48108(b)(2) by striking “De-
 17 partment of Transportation” and inserting
 18 “Federal Aviation Administration”.

19 (20) MISCELLANEOUS.—Chapter 491 is amend-
 20 ed—

21 (A) by striking “Administrator of the” each
 22 place it appears;

23 (B) by striking “Administrator” each place
 24 it appears (other than a place to which subpara-

1 *graph (A) applies) and inserting “Administra-*
 2 *tion”;*

3 *(C) by striking “Secretary of Transpor-*
 4 *tation” each place it appears and inserting*
 5 *“Federal Aviation Administration”; and*

6 *(D) by striking “Secretary” each place it*
 7 *appears (other than a place to which subpara-*
 8 *graph (C) applies and in section 49103(b)(1))*
 9 *and inserting “Administration”.*

10 *(21) COMMERCIAL SPACE LAUNCH ACTIVITIES.—*

11 *Subtitle IX is amended—*

12 *(A) by striking “Secretary of Transpor-*
 13 *tation” each place it appears and inserting*
 14 *“Federal Aviation Administration”;*

15 *(B) by striking “Secretary” each place it*
 16 *appears (other than a place to which subpara-*
 17 *graph (A) applies, the 1st place it appears in*
 18 *section 70109(a), the 2nd place it appears in*
 19 *each of sections 70109(b), 70109(c), 70112(a)(2),*
 20 *and 70112(b)(2), the 2nd and 3rd places it ap-*
 21 *pears in each of sections 70116(a) and 70116(b),*
 22 *in section 70117(b)(2), and the 2nd place it ap-*
 23 *pears in each of sections 70303(b)(2) and*
 24 *70304(a)) and inserting “Administration”; and*

1 (C) in the subsection heading to section
 2 70111(c) by striking “SECRETARY” and insert-
 3 ing “ADMINISTRATION”.

4 (d) TITLE 5, UNITED STATES CODE.—

5 (1) EXECUTIVE SCHEDULE PAY RATES.—

6 (A) ADMINISTRATOR.—Section 5313 of title
 7 5, United States Code, is amended by striking
 8 “Administrator, Federal Aviation Administra-
 9 tion.”.

10 (B) DEPUTY ADMINISTRATOR.—Section
 11 5315 of such title is amended by striking “Dep-
 12 uty Administrator, Federal Aviation Adminis-
 13 tration.”.

14 (2) DEFINITIONS.—Section 2109 of title 5, Unit-
 15 ed States Code, is amended—

16 (A) by striking “Department of Transpor-
 17 tation” each place it appears and inserting
 18 “Federal Aviation Administration”; and

19 (B) by striking “Secretary of Transpor-
 20 tation” and inserting “Chief Executive Officer of
 21 the Federal Aviation Administration”.

22 (3) EXPENSE OF TRAINING.—Section 4109(c) of
 23 title 5, United States Code, is amended by striking
 24 “Administrator, Federal Aviation Administration,”
 25 and inserting “Federal Aviation Administration”.

1 (4) *REDUCTION IN RETIREMENT PAY FOR*
 2 *FORMER MEMBERS OF UNIFORM SERVICES.*—Section
 3 5532(f) of title 5, United States Code, is repealed.

4 (5) *DIFFERENTIAL PAY.*—Chapter 55 of title 5,
 5 United States Code, is amended—

6 (A) in the heading to section 5546a by
 7 striking “***the Federal Aviation Adminis-***
 8 ***tration and***”;

9 (B) in section 5546a(a) by striking “Ad-
 10 ministrators of the Federal Aviation Administra-
 11 tion (hereafter in this section referred to as the
 12 ‘Administrator’) and the”;

13 (C) in subsections (a)(1), (a)(2), (c), (d),
 14 (e), and (f)(1) of section 5546a—

15 (i) by striking “Administrator or the”
 16 each place it appears; and

17 (ii) by striking “the Federal Aviation
 18 Administration or” each place it appears;

19 (D) by striking “; and” at the end of section
 20 5546a(a)(2) and inserting a period;

21 (E) by striking paragraph (3) of section
 22 5446a(a);

23 (F) in section 5546a(f)—

24 (i) by striking “(1)”;

25 (ii) by striking paragraph (2); and

1 (G) in the item relating to section 5546a of
 2 the analysis for such chapter by striking “the
 3 Federal Aviation Administration and”.

4 (e) COAST GUARD COOPERATION.—Chapter 5 of title
 5 14, United States Code, is amended—

6 (1) in the heading to section 82 by striking
 7 “**Administrator of**”;

8 (2) in sections 81, 82, and 90(b) by striking “the
 9 Administrator of” each place it appears;

10 (3) in section 90(b) by striking “Administrator
 11 may” and inserting “Administration may”; and

12 (4) in the item relating to section 82 of the anal-
 13 ysis for such chapter by striking “Administrator of”.

14 (f) ACCESS TO NATIONAL DRIVER REGISTER.—Section
 15 30305(b)(3) of title 49, United States Code, is amended—

16 (1) by striking “the Administrator of”; and

17 (2) by striking “Administrator” each place it
 18 appears after the first and inserting “Administra-
 19 tion”.

20 (g) WOLF TRAP FARM PARK.—The Wolf Trap Farm
 21 Park Act (16 U.S.C. 284–284j) is amended—

22 (1) in section 4(e)—

23 (A) by striking “Administrator of the”; and

1 (B) by striking “Administrator” each place
 2 it appears after the first and inserting “Admin-
 3 istration”; and

4 (2) in section 8(b) by striking “Administrator of
 5 the” each place it appears.

6 (h) CERTIFICATION OF FIREARMS.—Section
 7 922(p)(5)(A) of title 18, United States Code, is amended
 8 by striking “the Administrator of”.

9 (i) NATIONAL AIR AND SPACE MUSEUM ADVISORY
 10 BOARD.—Section 1(a) of the Act entitled “An Act to estab-
 11 lish a national air museum, and for other purposes”, ap-
 12 proved August 12, 1946 (20 U.S.C. 77(a)), is amended by
 13 striking “Administrator of the Federal” and all that follows
 14 through the first succeeding comma and inserting “Chief
 15 Executive Officer of the Federal Aviation Administration,”.

16 (j) FEDERAL PROPERTY.—Section 602(d)(14) of the
 17 Federal Property and Administrative Services Act of 1949
 18 (40 U.S.C. 474(d)(14)) is amended by striking “Adminis-
 19 trator of the” and all that follows through “or” and insert-
 20 ing “Federal Aviation Administration or”.

21 (k) NOISE CONTROL.—The Noise Control Act of 1972
 22 (42 U.S.C. 4901–4918) is amended—

23 (1) in section 12(a)(2)(B) (42 U.S.C.
 24 4911(a)(2)(B))—

25 (A) by striking “Administrator of the”;

1 (B) by striking “611 of the Federal Avia-
 2 tion Act of 1958” and inserting “44709(b)(1)(B)
 3 or 44715 of title 49, United States Code,”; and

4 (C) by striking “such Administrator” each
 5 place it appears and inserting “such Adminis-
 6 tration”;

7 (2) in the last sentence of section 12(a) by strik-
 8 ing “such Administrator” and inserting “the agency”;

9 (3) in section 12(b)(1)(A) by striking “Adminis-
 10 trator” the 2nd place it appears and inserting “Ad-
 11 ministration”;

12 (4) in sections 12(b)(1)(B) and 12(e) by striking
 13 “Administrator” and inserting “agency”;

14 (5) in section 12(c)—

15 (A) by striking “Administrator of the” the
 16 2nd place it appears; and

17 (B) by striking “611 of the Federal Avia-
 18 tion Act of 1958,” and inserting “44715 of title
 19 49, United States Code,”;

20 (6) in section 16(a) (42 U.S.C. 4915(a))—

21 (A) by striking “Administrator of the” the
 22 2nd place it appears;

23 (B) by striking “611 of the Federal Avia-
 24 tion Act of 1958” and inserting “44715 of title
 25 49, United States Code,”; and

1 (C) by striking “Administrator” the 3rd
 2 place it appears and inserting “agency”;
 3 (7) in section 16(b)—

4 (A) by inserting “the Federal Aviation” be-
 5 fore “Administration”; and

6 (B) by striking “Administrator” each place
 7 it appears after the 1st and inserting “agency”;
 8 and

9 (8) in section 16(c) by striking “Administrator”
 10 and inserting “agency”.

11 (l) *PHASE-OUT OF HALON.*—Section 604(d)(3) of the
 12 Clean Air Act (42 U.S.C. 7671c(d)(3)) is amended by strik-
 13 ing “Administrator of the” each place it appears.

14 **SEC. 16. REFERENCES.**

15 A reference in any law, regulation, document, record,
 16 map, or other paper of the United States to the Secretary
 17 of Transportation (and any reference to the Administrator
 18 of the Federal Aviation Administration) with respect to a
 19 function which under this Act (including the amendments
 20 made by this Act) is made a function of the Federal Avia-
 21 tion Administration established by section 1311 of title 49,
 22 United States Code, shall be deemed to be a reference to
 23 the Federal Aviation Administration established by such
 24 section.

1 **SEC. 17. EFFECTIVE DATE.**

2 (a) *IN GENERAL.*—*Except as provided in subsection*
 3 *(b), this Act (including the amendments made by this Act)*
 4 *shall take effect on the 90th day following the date of the*
 5 *enactment of this Act.*

6 (b) *EXCEPTIONS.*—*Section 1312 of title 49, United*
 7 *States Code, and section 8 of this Act shall take effect on*
 8 *the date of the enactment of this Act. The amendments made*
 9 *by section 15(d)(5) of this Act, relating to differential pay,*
 10 *shall take effect on the date the Federal Aviation Board be-*
 11 *gins implementation of the personnel management system*
 12 *for the Federal Aviation Administration under section*
 13 *1314(d)(2) of title 49, United States Code.*

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